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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LYNNE FREEMAN, an individual,

Case No. 1:22-cv-02435-AT

Plaintiff,

-against-

FIRST AMENDED
COMPLAINT

TRACY DEEBS-ELKENANEY P/K/A TRACY WOLFF,
an individual, EMILY SYLVAN KIM, an individual,
PROSPECT AGENCY, LLC, a New Jersey limited
liability company, ENTANGLED PUBLISHING, LLC, a
Delaware limited liability company, HOLTZBRINCK
PUBLISHERS, LLC, D/B/A/ MACMILLAN, a New
York limited liability company, UNIVERSAL CITY
STUDIOS, LLC, a Delaware limited liability company,
CRAZY MAPLE STUDIO, INC, a California corporation

JURY TRIAL DEMANDED

Defendants.

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Plaintiff Lynne Freeman (hereinafter, "Plaintiff"), by her attorneys, Reitler Kailas & Rosenblatt and CSReeder, PC as and for their Complaint against the defendants Deebes-Elkenaney p/k/a Tracy Wolff, Emily Sylvan Kim, Prospect Agency, LLC, Holtzbrinck Publishers, LLC d/b/a Macmillan, Universal City Studios, LLC and Crazy Maple Studio, Inc. ("Defendants") herein, allege as follows:

NATURE OF THE ACTION

1. This is a case about an extraordinary theft and betrayal in the book publishing industry. Plaintiff Lynne Freeman (“Freeman”), an unsuspecting writer and attorney, put her complete faith and trust in a literary agent, Emily Sylvan Kim (“Kim”) of Prospect Agency, LLC (“Prospect”) to shop her manuscript to publishers. Kim misled and defrauded Freeman into continually revising the manuscript and creating new material so that Kim’s longtime client and close friend, Tracy Wolff (“Wolff”), could copy the various versions to create the New York Times bestselling series, *Crave*, consisting of the books entitled *Crave*, *Crush*, *Covet* and *Court*.

2. The substantial similarities between the various versions of Freeman’s manuscripts and the books in the *Crave* series are overwhelming and undeniable. In addition to the similarities in plot, characters, dialogue, mood, theme, and pace, there are a substantial number of lifted scenes throughout the series, and an overwhelming number of similarities of words, phrases, and language between the works, which could not possibly be coincidental. Many of these similarities occur in page number proximity between the various versions of Freeman’s manuscripts and the *Crave* series of books, using Freeman’s language, expression, plots, subplots, and characters.

3. At the time Freeman contacted Kim, her manuscript was under consideration with a well-known UK publisher who advised her to obtain an agent. Their UK publishing rights director, fantasy editor, children’s editor, and readers loved it, according to their emails. The sales department ultimately passed as they had already selected their quota of young adult books for the year, but offered introductions to literary agents, as they believed the book would sell. Freeman felt she should have a literary agent in the U.S. and discovered Kim through Publisher’s

Marketplace. Kim told Freeman that she should sign with her because she found the best-seller, *Twilight*, from a slush pile and was responsible for its discovery.

4. Freeman's book is a young adult paranormal fantasy romance set in in high school in Alaska, with a protagonist who moves to the state from San Diego, after a tragic accident killed her family. The story follows a teenage girl who believes she's human, but is not, and who must navigate her way in the supernatural world she never knew existed, while falling in love with a dangerous boy with dark secrets; all set against the backdrop of a supernatural war between the factions of beings. Freeman intended the story to offer a feminist perspective in which the heroine is a wholly unique supernatural being, whose very purpose is to restore the balance among the warring factions, with a unique fantasy world set in Alaska. Kim told Freeman she liked her manuscript very much, loved her writing, and that only a few minor changes would be required before the book would be ready to send to other publishers.

5. Despite the foregoing comment by Kim, Freeman spent over three years having frequent and lengthy phone calls with Kim, and constantly exchanging e-mails, the focus of which were comments and detailed questions that Kim had regarding the manuscript, which led to Freeman repeatedly revising it and creating new material. Kim requested pitch notes, chapter outlines, chapter summaries, synopses, query letters, Freeman's notes used to create the manuscript, her plans for the book series; she even asked Freeman to write letters for her to use with potential publishers about the books. Freeman complied, and over the course of their relationship, sent Kim over 45 versions of the manuscript.

6. After reading the book entitled *Crave*, supposedly written by Tracy Wolff and published in 2020, it became obvious to Freeman that Kim, in breach of the fiduciary duty she owed Freeman, sent the various versions of the manuscript, as well as the additional materials

Freeman provided her, to Wolff, a client and good friend of Kim's, and possibly others, for the purpose of Wolff and possibly others copying the manuscript. *Crave* is a young adult paranormal fantasy romance set in high school in Alaska, with a protagonist who moves to the state from San Diego, after a tragic accident killed her family. The story follows a teenage girl who believes she's human, but is not, and who must navigate her way in the supernatural world she never knew existed, while falling in love with a dangerous boy with dark secrets; all set against the backdrop of a supernatural war between the factions of beings. *Crave* is lauded as offering a feminist perspective in the genre, and Wolff is praised for creating a unique fantasy world set in Alaska in which the heroine is a wholly unique supernatural being, whose very purpose is to restore the balance among the warring factions.

7. In her own words, Wolff said in an interview recently, "I do think all of the training I did to become an English professor helped me a lot—I've done more reading and more deconstructing of novels and more craft of writing than I could ever possibly tell you. And when you pull apart a novel to examine it, to see how all the different part fit together, I think it totally helps with understanding how to also put one together." That is exactly what Wolff did with Freeman's materials.

8. Freeman subsequently read the other three books in the *Crave* series, *Crush*, *Covet* and *Court*, and discovered that they are also substantially similar to the various versions of her manuscripts. The books are derivative works of *Crave*, based on the same characters and are a continuation of the same storyline in *Crave*, using the new material Freeman created in the various versions of her manuscripts, in addition to Freeman's notes, and outlines provided to Kim. Wolff uses plot devices and subplots from Freeman's manuscripts, scenes that are in the various versions of Freeman's manuscripts, and an overwhelmingly large amount of language taken from

Freeman's manuscripts; much of which occurs in page number proximity. The books share seven character names in common, some of which are highly unusual, such as the Bloodletter, Marise, and Collin.

9. In response to a demand letter by Freeman's counsel, an attorney for Entangled, the publisher of the *Crave* series, stated that Liz Pelletier, Entangled's Chief Executive Officer and Publisher, "created the basic storyline for the *Crave* book series, selecting the writer, Tracy Wolff; not based on a prepared manuscript but due to her writing voice." Through counsel, Pelletier claims that the "*Crave* book series was a collaborative project with Pelletier providing to Wolff in writing the main plot, location, characters, and scenes, and actively participating in the editing and writing process." Interestingly, Entangled admits to having received Freeman's manuscript in late 2013. Kim told Freeman that she sent the manuscript to Stacy Abrams, an Editorial Director at Entangled. Ms. Abrams and Ms. Pelletier are listed in both *Crave* and *Crush*, as the editors of both books.

THE PARTIES

10. Plaintiff Lynne Freeman ("Freeman") is a resident and citizen of the State of Alaska.

11. Upon information and belief, Defendant Tracy Deebs-Elkenaney p/k/a Tracy Wolff ("Wolff") is a citizen of the State of Texas and does business in New York.

12. Upon information and belief, Defendant Emily Sylvan Kim ("Kim") is a citizen of the State of New Jersey and does business in New York.

13. Upon information and belief, Defendant Prospect Agency, LLC ("Prospect") is a New Jersey Limited Liability Company with its principal place of business

located in Montclair New Jersey and does business in New York, New York. Furthermore, the agreement between Prospect and Kim, on the one hand, and Freeman, on the other hand, contains an exclusive New York choice of venue provision relating to any litigation arising out of or relating to the agreement and the transactions contemplated thereby.

14. Upon information and belief, Defendant Entangled Publishing, LLC is a Delaware Limited Liability Company with a principal place of business located in Parker, Colorado and does business in New York, New York.

15. Upon information and belief, Defendant Holtzbrinck Publishers, LLC d/b/a Macmillan (“MacMillan”), is a New York Limited Liability Company with a principal place of business located in New York, New York.

16. Upon information and belief, Defendant Universal City Studios, LLC (“Universal”) is a Delaware Limited Liability Company with a principal place of business located in Universal, California and does business in New York, New York.

17. Upon information and believe, Defendant Crazy Maple Studio, Inc. (“Crazy Maple Studio”) is a California Corporation with its principal place of business located in Sunnyvale, California and does business in New York.

18. Freeman is informed and believes, and based thereon alleges, that at all times herein mentioned, each of the Defendants was the agent, partner, representative, employee and/or joint venturer of the remaining Defendants, and each of them, and is, and at all times mentioned herein was, acting within the course of the scope of such agency, partnership, representation, employment and/or joint venture. Plaintiff is further informed and believes, and based thereon alleges, that the acts and conduct alleged herein concerning each such Defendant was known to, authorized by, and/or ratified by the other Defendants, and each of them.

JURISDICTION AND VENUE

19. This action arises under the U.S. Copyright Act, 17 U.S.C. §101, *et seq.* This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. §1367. The Court also has jurisdiction over this action pursuant to 28 U.S.C. §1332(a) in that there is complete diversity of citizenship between the parties and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.

20. Venue lies in this district pursuant to 28 U.S.C. §1391(a) in that a substantial part of the events giving rise to the claims herein occurred in the Southern District of New York, and Defendants are subject to personal jurisdiction in this District.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

21. Freeman is a well-respected Alaskan attorney and writer.

Freeman's Relationship with Prospect and Kim

22. On or about December 8, 2010, Freeman entered into an agency agreement ("Agency Agreement") with Prospect and Kim whereby Kim was appointed Freeman's exclusive literary agent at Prospect. As her exclusive agent, Kim was to be the only agent that Freeman worked with in relation to her books, illustrations, or other publishing-related projects that Freeman may submit and/or publish during the time they worked together. In return for acting as Freeman's exclusive literary agent, Prospect and Kim were entitled to receive, fifteen percent (15%) of all gross proceeds earned on Freeman's work and reimbursement of certain expenses related to the negotiation of deals on behalf of Freeman. For licensing of foreign rights, Prospect

and Kim were entitled to deduct twenty-five percent (25%) of the gross proceeds that included a certain percentage designated for foreign co-agents, and twenty percent (20%) for sales that do not include a certain percentage designated for foreign co-agents. Pursuant to the Agency Agreement, Prospect and Kim were obligated to advise Freeman on her creative work and other aspects of her projects, and negotiate on her behalf with her best interests in mind. The Agency Agreement was an at-will agreement binding until either party terminates it with a written statement. Pursuant to the Agency Agreement, Prospect and Kim owed Freeman a fiduciary duty, which required, among other things, that Prospect and Kim put Freeman's interests ahead of their own.

23. Freeman hired Prospect and Kim because she needed an agent to sell and/or license certain rights in or to a manuscript written by her, which at the time, was entitled *Blue Moon Rising* ("Freeman Manuscript"), because HarperCollins UK was considering publishing the manuscript. Freeman sent a copy of the Freeman Manuscript to Kim prior to entering into the Agency Agreement and it was on the strength of that manuscript that Prospect and Kim agreed to be Freeman's exclusive literary agent. One of the reasons that Freeman decided to sign with Kim was because Kim represented to her that she discovered the best-seller, *Twilight*, from a slush pile when she worked at a previous agency and was responsible for its discovery. Kim told Freeman she had not yet had a commercial success at Prospect, but that she thought Freeman's Manuscript was going to cause that to change.

24. Kim told Freeman that she liked the manuscript very much, loved her writing, and that only a few minor edits would be required before the book would be ready to send to publishers. Freeman worked with Kim from the end of 2010 to 2014. During that over three-year period, Kim and Freeman had frequent and lengthy phone calls, and constantly exchanged e-mails. The e-mails from Freeman often included notes, outlines, and various versions of the manuscript.

25. Kim repeatedly told Freeman that she did not have lengthy phone calls with her other clients like she did with Freeman. The focus of most of the communications were comments and questions that Kim had about the manuscript, which led to Freeman repeatedly revising the Freeman Manuscript. During the time Freeman and Kim worked together, Freeman sent Kim over 45 versions of the manuscript, numerous notes, outlines, and other written material relating to the contents of the Freeman Manuscript. The relevant versions of the Freeman Manuscript and the notes, outlines and other materials sent to Kim have been registered with the U.S. Copyright Office (sometimes hereinafter referred to as “Freeman Copyrighted Material,” *Blue Moon Rising*” or “BMR”).

26. Each time that Freeman revised the manuscript and thought that the book was finished, Kim would have additional comments and questions that required Freeman to prepare yet another new version of the manuscript. At the time, Freeman could not understand why there was this ever-evolving stream of comments and questions requiring her to constantly revise the manuscript and create additional new material.

27. With respect to the process, Kim e-mailed Freeman stating that “[y]ou’ve been a real pro throughout this revision process so I’d figure you’d want to really wade in those final slogging steps and be rewarded with true greatness.” Nonetheless, the continual probing into the contents of the manuscript was puzzling to Freeman, especially because Kim had initially said that the manuscript only required a few minor edits and Freeman had sent the Freeman Manuscript to HarperCollins UK shortly prior to hiring Kim, and HarperCollins had high praises for the book. After the Publishing Rights Director, the Fantasy Editor, and the Children’s Editor at HarperCollins read the book, they sent it to sales and Freeman was instructed to secure an agent. HarperCollins gave her names of several UK agents, however, Freeman felt she would like an

agent in the U.S. HarperCollins ultimately passed on the book because its sales department already had commitments for its quota of young adult books in her genre for the then upcoming year.

Freeman Meets Wolff

28. Freeman met Wolff in the summer of 2012. At Kim's request, Freeman attended the Romance Writers of America conference in Anaheim, California which took place July 24 through July 28, 2012. On the morning of the first day of the conference, Kim introduced Wolff to Freeman outside the hotel where Kim and Wolff were staying. Kim told Freeman that Wolff was an erotica writer, that she was speaking at the conference, that she was very proud of her, and that they were good friends. She introduced her to Freeman as "Tracy Deebs."

29. At Kim's urging, Freeman attended a talk that Wolff gave at the conference on erotic language in books. That same morning, Freeman rode with Kim and her other clients, including Wolff, in Kim's rental vehicle from the hotel to the conference. During the ride, Kim asked each of her clients to talk about what they were working on or had just completed. Freeman spoke briefly about Blue Moon Rising. During the ride to the conference, Freeman also answered a number of questions asked of her by Kim, such as how she got into writing, how she got the idea for the Freeman Manuscript, what made her decide to write a book and when specifically, she began writing the manuscript, as well as questions about living in Alaska, and what made her set her book in Alaska.

The End of Freeman's Relationship with Kim and Prospect

30. In late 2013, Kim told Freeman that she had no publishers to whom she could send her book, other than the few publishers to whom she had already sent it. Kim asked Freeman to

provide a list of publishers and contacts who she thought might be interested. She also had Freeman write chapter outlines, pitch notes and synopses, as well as letters of introduction for her to use to send to them. Freeman supplied Kim with everything she requested. However, she always thought it was strange that Kim asked for those materials.

31. At this time, Kim began pressuring Freeman to write adult contemporary romance books, telling her that she could easily sell such a book with Freeman's writing style. Kim even suggested erotica. Freeman told her she had no interest in contemporary romance or erotica. In 2014, Kim told Freeman that if she could not write a contemporary romance book and give her something new, she would need to remove Freeman from her website. She told her that the Freeman manuscripts were a great story, but that they missed the market. She said that young adult books and movies in this genre were oversubscribed, and that Freeman would need to wait until her son graduated from high school in 2021, to resubmit her original manuscript. Freeman gave Kim notes for a few proposed books, as well as some chapters. However, Freeman concluded that she did not want to write anything other than young adult fantasy set in Alaska. Kim told her there was no market for it.

32. Subsequently, Freeman told Kim that she needed to take some time off and they parted ways amicably. Freeman decided to attend writer's conferences and workshops and continue to write and perfect her craft until 2021, when her son graduated from high school, and, following Kim's advice, she could shop her original manuscript, which was intended to be the first of a series.

Freeman Discovers Infringing Books

33. The first book in the *Crave* series entitled *Crave*, supposedly written by Wolff, was published on April 7, 2020. On or about March 31, 2021, Freeman began reading *Crave* for the

first time after randomly picking it up in a local bookstore. She was shocked when she read the book and discovered that it was overwhelmingly substantially similar to the Freeman Copyrighted Material she sent to Kim, especially since she knew that Kim was Wolff's literary agent and close friend.

34. The next three books in the series are entitled *Crush*, *Covet* and *Court*. *Crush* was published on September 29, 2020, *Covet* on March 2, 2021 and *Court* on February 1, 2022. Freeman read all three of those books shortly after they were released to the general public. She was again shocked to discover that all three of those books were overwhelmingly substantially similar to the Freeman Copyrighted Material she sent to Kim. The books entitled *Crave*, *Crush*, *Covet*, and *Court* shall hereinafter sometimes be referred to collectively as the "*Crave* series."

35. On or about February 7, 2022, Freeman's attorney sent a demand letter to Wolff, (the alleged author of the *Crave* series), Kim at Prospect (Wolff's literary agent and Freeman's former literary agent), Entangled (the book publisher of the *Crave* series), Macmillan (the distributor of the *Crave* series) and Universal (a motion picture studio who has entered into a contract to produce a motion picture based on the first book in the series entitled *Crave*). Freeman recently learned that Crazy Maple Studios produced and is exploiting a video game based on the book *Crave*, which is also substantially similar to the Freeman Copyrighted Material.

36. In response to the demand letter, Entangled's attorney wrote, among other things, Kim "recalls nothing of the manuscript" and "had no creative input." She stated that Liz Pelletier, Entangled's Chief Executive Office and Publisher, "created the basic storyline for the *crave* book series, selecting the writer, Tracy Wolff, not based on a prepared manuscript but due to her writing voice." She further stated that the *Crave* book series was a collaborative project with Pelletier providing to Wolff in writing the main plot, location, characters, and scenes, and actively

participating in the editing and writing process. She also stated that “neither Pelletier nor Wolff had ever heard of Freeman, read her ten-year old manuscript nor were aware of any details concerning the Freeman work.”

37. In reply to Entangled’s attorney’s letter, Freeman’s attorney wrote that the similarities “go way beyond the main story line” and that the lawyer’s comments about Entangled’s supposed involvement in writing the book were interesting, because Kim told Freeman that she submitted Freeman’s manuscript for possible publication to Entangled. Entangled’s attorney then admitted in writing that Freeman’s manuscript was sent by Kim to Entangled, that they received it, and that Liz Pelletier received a pitch letter about the book.

38. Upon information and belief, Kim sent the manuscript to Stacy Abrams, an Editorial Director at Entangled. Ms. Abrams and Ms. Pelletier are listed in both *Crave* and *Crush*, as the editors of both books.

**OVERWHELMING SIMILARITIES
Between the Freeman Copyrighted
Material And *Crave***

39. The substantial similarity between the Freeman Copyrighted Material and *Crave* is overwhelming and undeniable. In addition to the similarities in plot, characters, dialogue, mood, theme and pace, there are a number of the same scenes, words and phrases that appear in the Freeman Copyrighted Material which are used throughout *Crave*. Moreover, some of the similarities are the same page number proximity in both works.

40. Set forth below is a comparison of some of the plot elements of the two works (some of these elements are disclosed in latter books in the series):

| Blue Moon Rising Main Plot: | Crave Main Plot: |
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| a) Story takes place at a public high school in Alaska. The school is in Anchorage, Alaska. | Story takes place at a private boarding school in Healy, Alaska. It was originally in Anchorage. |
| b) The story is set in Alaska because of the magical properties of the aurora borealis. | The story is set in Alaska because the agent suggested it to Wolff. |
| c) The heroine is from San Diego. | The heroine is from San Diego. |
| d) Teen heroine, almost 17, believes she is human. | Teen heroine, 17, believes she is human. |
| e) She's something unique in the supernatural world; mixed bloodlines; a "Nyx." | She's something unique in the supernatural world; mixed bloodlines; a "gargoyle." |
| f) She is a queen; she is a descendant of one of the twin goddesses. | In the series, she is a queen; descendant of one of the twin goddesses. |
| g) Her supernatural purpose will be to restore "the balance;" she is a "protector." | Her supernatural purpose will be to restore "the balance;" she is a "protector." |
| h) She lives with the only family she has left; her mom and aunt, and they are both witches. | She lives with the only family she has left; her uncle and cousin, and they are both witches. |
| i) She believes her dad was human; he's a werewolf. | She believes her dad was human; he's a witch. |
| j) She believes her mom is human; she's a witch. | She believes her mom is human; she's a gargoyle. |

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| k) | Her parents were deeply in love. | Her parents loved one another a ridiculous amount. |
| l) | She comes to Alaska after an accident killed her father and grandparents when she's 7. | She comes to Alaska after an accident killed her father and mother when she's 17. |
| m) | She suffers anxiety and panic from the loss. | She suffers anxiety and panic from the loss. |
| n) | Her description of Alaska is negative in the beginning. She says it's "like living on the moon." | Her description of Alaska is negative in the beginning. She says it "feels like the moon." |
| o) | She feels shy, wants to fit in, ducks her head or chin. | She feels shy, wants to fit in, ducks her head. |
| p) | Heroine is smart, loves books, takes advanced classes. | Heroine is smart, loves books, takes advanced classes. |
| q) | Tea is a thing; heroine's aunt makes herbal teas. Tea was used to bind her magic. | Tea is a thing; heroine's mom made herbal teas. Tea was used to bind her magic. |
| r) | Heroine believes her father and grandparents were killed in an accident. Her grandparents were actually murdered by the vampire prince; her father is imprisoned by him. | Heroine believes parents were killed in an accident. They were actually murdered by the vampire prince's mate. |

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| s) | Vampire prince wants to use heroine to resurrect his dead mate; he believes she will be the reincarnation of his dead mate once he converts her to a vampire because they look alike and are related by blood. | Vampire prince's mate wants to use heroine for a spell to resurrect her dead mate. |
| t) | Main supernaturals are vampires, witches, and werewolves. There are dragons. | Main supernaturals are vampires, witches, werewolves and dragons. |
| u) | Heroine's friends are supernaturals, and two teachers. Harry Potter is mentioned in the scene where heroine learns her friends are supernaturals. | Heroine's friends are all supernaturals and her teachers. JK Rowling (Harry Potter) is mentioned in the scene where heroine learns her friends are supernaturals. |
| v) | Heroine meets romantic lead, instant attraction, irritation, and he grins at her "as if he knows exactly what effect he has on" her. | Heroine meets romantic lead, instant attraction, irritation, and he grins at her "as if he knows exactly what kind of effect he's having on" her. |
| w) | Heroine feels irritated and conflicted by her attraction to him. Heroine describes him with similar words in both books, even down to the clothes he is wearing: black jeans and a t-shirt. | Heroine feels irritated and conflicted by her attraction to him. Heroine describes him with similar words in both books, even down to the clothes he is wearing: black jeans and a t-shirt. |
| x) | Romantic lead(s) have mind control powers. | Romantic lead(s) have mind control powers. |

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| y) | Romantic lead's type of supernatural being is due to a gene. Heroine wonders if his type is due to a genetic mutation. | Romantic lead's type of supernatural being is due to a genetic mutation. |
| z) | Heroine obsesses over romantic lead. | Heroine obsesses over romantic lead. |
| aa) | Heroine is nervous around him, babbles. | Heroine is nervous around him, babbles. |
| bb) | Heroine is drawn to him and finds the danger of him to be exciting. | Heroine is drawn to him and finds the danger of him to be exciting. |
| cc) | Romantic lead blows hot and cold with her and tries to stay away; he thinks he's a danger to her but he's "selfish" and can't stay away. | Romantic lead blows hot and cold with her and tries to stay away, he thinks he's a "danger" to her but he's "selfish" and can't stay away. |
| dd) | Heroine and romantic lead (Ash) are connected by loss; Ash has lost his older brother who was murdered. | Heroine and romantic lead (Jaxon) are connected by loss; Jaxon believes he murdered his older brother. |
| ee) | Romantic lead, his family, and their clan live in a chateau (French for castle). | The boarding school where the students live is a castle. |
| ff) | Heroine steps through a doorway in the Alaskan winter, and it's summer. | Heroine steps through a doorway in the Alaskan winter and it's summer. |
| gg) | Aurora Borealis / Northern Lights is part of the story between the heroine and romantic lead. | Aurora Borealis / Northern Lights is part of the story between the heroine and romantic lead. |
| hh) | Heroine wonders if romantic lead is an alien or monster. | Heroine wonders if romantic lead is an alien or monster. |

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| ii) | First Kiss. Heroine learns about supernatural world and that romantic lead is a werewolf after the triggering event of their first kiss together. He loses self-control during the kiss. His eyes glow and he starts to shift by accident with his powers. Heroine is scared and wants to run away but can't. She knows his eyes were inhuman and wants to know the truth. The next day she demands answers and wonders if he's an alien, a werewolf, or a vampire. | | First Kiss. Heroine learns about supernatural world and that romantic lead is a vampire after the triggering event of their first kiss together. He loses self-control during the kiss. He causes an earthquake by accident with his powers. Heroine is scared of the quake and romantic lead because he is "monstrous" and runs. She is hurt and finds puncture marks on her neck. The next day she demands answers and wonders if he's an alien or a vampire. |
| jj) | Romantic lead is a werewolf and believes heroine is his mate and they are "bonded" together, "mates." | | Romantic lead is a vampire and believes the heroine is his mate and they have a "mating bond." |
| kk) | Heroine feels they have a soul connection, and their thoughts echo one another. | | Heroine feels they have a soul connection, and their thoughts echo one another. |
| ll) | Romantic lead's scent of citrus and waterfalls is alluring to the heroine, and she notices it often. | | Romantic lead's scent of oranges and freshwater is alluring to the heroine, and she notices it often. |
| mm) | Heroine feels selfish about romantic lead. | | Heroine feels selfish about romantic lead. |
| nn) | Heroine feels like she's being watched frequently in the story. | | Heroine feels like she's being watched frequently in the story. |

- oo) Heroine is attacked by two vampires who aren't dressed for the winter weather. They remind her of eighties rockers. She starts to fight back in the same way in both books. The romantic lead saves her. Heroine is attacked by two werewolves who aren't dressed for the winter weather. They remind her of eighties concert goers. She starts to fight back in the same way in both books. The romantic lead saves her.
- pp) Heroine hears a voice in her head that warns her and tries to help her. She doesn't understand who or what the voice is. There are actually two distinct beings. One is her long-lost father, now an immortal "abomination;" the other is Ronan (Hudson) Heroine hears a voice in her head that warns her and tries to help her. She doesn't understand who or what the voice is. There are actually two distinct beings. One is her long-lost grandfather, the Unkillable Beast; the other voice is Hudson (Ronan)
- qq) Heroine is hurt and romantic lead helps her by carrying her in his arms, removing her boots and setting her on a divan, tending to her. Heroine is hurt and romantic lead helps her by carrying her in his arms, removing her boots and setting her on her bed, tending to her.
- rr) A supernatural war is brewing. A supernatural war is brewing.
- ss) Heroine is kidnapped by the vampire prince who wants to make her into a vampire believing she will be the reincarnation of his dead mate. Heroine is kidnapped by the vampire prince's mate who wants to use her for a spell to resurrect her dead mate.

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| tt) | Heroine stabs a demon to save romantic lead's life; there is a primal war cry in this scene. | Heroine stabs the vampire prince's mate to save romantic lead's life; there is a primal war cry in this scene. |
| uu) | Heroine offers herself to save her friends' lives, and romantic lead's life. | Heroine offers herself to save the romantic lead's life. |
| vv) | Romantic lead rescues heroine by breaking down the door. | Romantic lead rescues the heroine by destroying door and wall. |
| ww) | Romantic lead blames himself for the heroine's abduction by the vampire prince. | Romantic lead blames himself for the heroine's abduction by the vampire prince's mate. |
| xx) | Heroine worries that romantic lead and Ronan are going to come to mortal blows. | Heroine worries that romantic lead and Hudson are going to come to mortal blows. |
| yy) | Heroine doesn't want romantic lead to get hurt. | Heroine doesn't want romantic lead to get hurt. |
| zz) | Heroine realizes she has accidentally released Ronan into the world and has put the world at risk. | Heroine has accidentally released Hudson (into her mind) and has put the world at risk. |
| aaa) | Romantic lead and heroine declare their love toward the end of the story. He tells her he loves her for the first time and so does she. | Romantic lead and heroine declare their love toward the end of the story. He tells her he loves her for the first time and so does she. |

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|------|--|---|
| bbb) | He feels what has happened is his fault and they have a discussion about whether they should have a relationship. | He feels what has happened is his fault and they have a discussion about whether they should have a relationship. |
| ccc) | They agree to be together. | They agree to be together. |
| ddd) | They share an epic kiss. | They share an epic kiss. |
| eee) | The heroine attempts to sacrifice her life for his. | The heroine attempts to sacrifice her life for his. |
| fff) | The story ends with the realization that Ronan is free and is tied to the heroine. See second ending and the corresponding part in BMR in Exhibit 1 attached hereto. | The book ends with the realization that Hudson is free and is tied to the heroine. |

Attached hereto as Exhibit “1” is a true and correct copy of a document entitled “KEY: Crave and Blue Moon Rising (BMR) Comparison” (hereinafter the “Key”). The document goes through *Crave* sequentially by page number and compares the content of those pages with the corresponding content in the pages of various versions of the BMR manuscripts. At the end of the description of the corresponding content for BMR, there is a number sign (#) and a number highlighted in green (e.g. #161). The number refers to a paragraph in a document entitled “Index 1: Comparative Quotes, Crave & Blue Moon Rising (BMR)” (hereinafter “Index 1”), which contains the quotes for both *Crave* and *BMR* that evidence the similarities in the content being compared in the corresponding section of the Key. A true and correct copy of Index 1 is attached hereto as Exhibit “2.”

41. Set forth below are a few examples of scenes that are substantially similar between the Freeman Copyrighted Material and *Crave*:

a. Scene in which Heroine and romantic lead meet.

1. She sees romantic lead for the first time and describes his looks

BMR: "...striking, bewitchingly good-looking...full lips and sculpted features...red lips and sun-kissed skin...was he really that beautiful?" 2011 P. 15-17

Crave: "...too intense to be beautiful and too striking to be anything else. Skyscraper cheekbones. Full red lips. A jaw so sharp it could cut stone. Smooth, alabaster skin." P. 21

2. He is compelling, overwhelming, different

BMR: "His physical beauty was so compelling that I was overcome." 2010 P. 13; 2011 P. 16; "There's something different about him...a certain presence..." 2011 P. 82

Crave: "Still, there's something more to him, something different and powerful and overwhelming. P. 21

3. And his eyes...

BMR: "And those eyes... they were beguiling and disturbing at the same time." 2010 P. 30; 2011 P. 40

Crave: "And his eyes...a bottomless obsidian that see everything and show nothing." P. 21

4. Stare and she can't look away, locked / trapped

BMR: "I tried not to stare as I approached the front doors of the school, but I couldn't bring myself to look away...Our eyes locked..." 2011 P. 16

Crave: "I'm trapped by his stare, hypnotized..." P. 21

5. Romantic lead grins at heroine as if he knows exactly what effect he has on her

BMR: "He grinned...as if he knew exactly what effect he had on me..." 2011 P. 16

Crave: "And now he's grinning...he knows exactly what kind of effect he's having on me." P. 22

6. Heroine forces herself to tear / rip her eyes away and looks anywhere but

BMR: “I...tear my eyes away...keeping my eyes anywhere but on his face. 2011 P. 17

Crave: “I rip my eyes away...Determined to avoid his eyes, I look anywhere but. P. 22

7. Heroine notices his tall /long lean body, muscles

BMR: “...tall...fit with lean muscle.” 2011 P. 15 “I noticed the hard muscles of his biceps and chest...” 2011 P. 167

Crave: “...his long, lean body...flat stomach, and hard, well-defined biceps.” P. 22

8. Heroine notices his hair, which is dark and tousled/ falls forward

BMR: “I noticed his tousled hair was a rich, dark brown, almost black.” 2011 P. 15; He looked like someone you’d see in a glossy magazine ad for some hip designer; artfully disheveled hair...” 2011 P. 108

Crave: “Add in the thick, dark hair that...falls forward into his face and skims low across his insane cheekbones.” P. 22

9. Wicked, dangerous, sexy

BMR: “The overall picture was one of dangerous, irresistible beauty...wicked grin” 2011P. 16 “...just plain sexy.” 2011P. 20

Crave: “...sexy as hell...A little wicked...all dangerous.” P. 22

10. The heroine is irritated by the effect he has on her

BMR: “...if I were to date someone, it wouldn’t be him.” 2011 P. 20 “...first love, the seemingly unattainable object of affection...” Midnight Overview 11-8-2009 P. 1

Crave: “The new girl swooning over the hottest, most unattainable boy in school? Gross. And so not happening.” P. 23

11. Heroine is angry about how he makes her feel

BMR: “My traitorous heart fluttered in response to his nearness and that made me mad.” 2011 P. 35

“I looked down quickly, my heart racing wildly in the cage of my chest” 2010 P. 16

Crave: “He steps forward, closing the small distance I put between us. And there goes my heart again, beating like a caged bird desperate to escape. I hate it.” P. 27

12. Heroine quotes Shakespeare and the romantic lead knows the quote

BMR: “I whispered furiously, glaring daggers at him. ‘Et tu, Brute?’” 2011 P. 40

Crave: “The quote is, ‘There are more things in heaven and earth, Horatio.’” P. 24

13. Fire back in verbal repartee

BMR: “‘What about your girlfriend?’ I fired back. There, I had him now.” 2011 P. 53

Crave: “Then he fires back, ‘I’ve got to say, if that’s the best you’ve got, I give you about an hour.’” P. 26

14. Romantic lead wins the verbal game

BMR: “Match and game. I hadn’t anticipated that.” 2011 P. 53

Crave: “I hate that he’s bested me...” P. 27

15. Romantic lead is so close she can feel his warm breath

BMR: “...bringing his face so close that I could feel the huff of his warm breath...” 2011 P. 55

Crave: “he leans closer still, gets closer still, until I can feel his warm breath on my cheek...” P. 27

16. She notices pain in his eyes

BMR: “...his eyes...revealed within their depths was an anguish so raw I knew it rivaled my own.” 2011 P. 592

Crave: “...his eyes...an agony so deep...I can feel it calling to my own pain.” P. 29

17. He brushes her hair back / takes hold of her curl

BMR: “... he reached out with one hand and brushed a lock of my hair back from my face,

his touch so light it was almost as though I had imagined it.” 2011 P. 62

Crave: “At least until he reaches out and gently takes hold of one of my million curls.” P. 29

18. At the end of this hair touching scene, romantic lead warns her to be careful:

BMR: “It’s not safe to be out alone, even after school.” P. 62

Crave: “And always, *always* watch your back.” P. 31

b. Scene in which heroine is assaulted by two vampires in BMR and two werewolves in *Crave*. They are not dressed for the winter weather, they look like eighties rockers, and the heroine notices they are unaffected by the cold. This scene exists in all versions of Freeman’s manuscripts. Wolff cherry-picks the scene from 2011, 2013, 2014. In page number proximity with 2013, 2014 manuscripts of this scene.

1. Two guys wearing jeans and shirts, no coats - not dressed for the winter weather

BMR: “Despite the biting wind, the two men were dressed in jeans and shirts, no coats, no gloves.” 2011 P. 519

Crave: “...both doors fly open. And in walk two guys wearing nothing but old-school concert T-shirts, jeans and lace-up boots. No jackets, no sweaters, no hoodies even.” P. 53

2. They aren’t dressed for the weather and should have been cold

BMR: “...they were completely unaffected by the cold. They should have been shivering, stamping their feet, and rubbing their hands together.” 2011 P. 519

Crave: “I’m beginning to think they were high or something, because there’s no other explanation as to why they would have been outside in only jeans and t-shirts. I mean, how did they avoid getting hypothermia?” P. 68

3. Eighties, dog collar, earring/ nose ring // Billy Idol / eighties rock concert

BMR: "...a dog collar and an earring...He looks like a retro throw back to the eighties. In fact, he looks a lot like Billy Idol." 2013 P. 58 "He looks like a punk rocker throwback in a bad eighties movie." 2014 P. 48

Crave: "And in walk two guys wearing nothing but old-school concert T-shirts...Ones who died at an eighties rock concert...black nose ring right through his septum." P. 53

4. "Well, well, well. Looks like"

BMR: One of the guys says: "Well, well, well. Looks like I've hit the jackpot." 2013 P. 58; 2014 P. 48

Crave: One of the guys says: "Well, well, well. Looks like we made it back just in time." P. 53

5. "My back to his front"

BMR: "The Hulk twists my wrists behind my back, pinning me to him, my back to his front." 2014 P. 49

Crave: "He yanks me hard against him--my back to his front..." P. 56

6. She stomps on his toes / thinks about stomping on his feet

BMR: "I raise my knees and slam my feet down, heels first onto the Hulk's toes." 2013 P. 60; 2014 P. 49

Crave: "I think about stomping on his feet, but my Converse aren't going to do much damage..." P. 56

7. She struggles, bucks, head butts / head back to break his nose

BMR: "I struggle against him, lashing out blindly with my feet...I buck backwards for all I'm worth, head butting him. Crack! I've hit his nose." 2014 P. 50

Crave: “I start to struggle in earnest...” P. 56 “...I shout, bucking and kicking against him as hard as I can...I slam my head back with as much force as I can, aiming to break his nose.” P. 57

8. Taste of blood in my mouth

BMR: “And that’s when my head is yanked backward so hard I bite my tongue. The coppery tang of blood fills my mouth.” 2014 P. 50

Crave: “He yelps and jerks, and his forearm slams against my mouth. It hurts, has the metallic taste of blood pooling in my mouth.” P. 56-57

9. She gets angry in this scene; fury / infuriate

BMR: “Fury pulses through me.” 2013 P. 60; 2014 P. 50

Crave: “Which infuriates me as much as it terrifies me.” P. 56 “Which only pisses me off more.” P. 57

10. She puts her fists up to fight

BMR: “I clench my jaw and crouch forward on the balls of my feet, fists up, ready to take the Hulk on.” 2014 P. 50; 2013 P. 60

Crave: “I turn to flee, fists up in attempt to ward off Quinn if he tries to stop me...” P. 57

11. The romantic lead comes to her rescue and scares the two guys but she doesn’t realize it at first

BMR: “A roaring growl splits the air around us—a grizzly bear?—and we’re both hauled backward out of the van. I roll out of the Hulk’s grasp. Roman (Ash) is on top of him in a flash, using the Hulk’s face as a punching bag, his fists are flying so fast. How did Roman (Ash) get to the van?” 2014 P. 50

Crave: “...just in time to see Marc go flying across the entryway as he slams into the farthest wall.” P. 57 “It’s as he’s pulling me toward him that I get my first good look at his face and realize that it’s Jaxon.” P. 58

12. He looks her over

BMR: “He looks me over, cupping my face in his hands.” 2014 P. 51

Crave: For long seconds, he doesn’t say anything, just looks me over from head to toe...” P. 60

13. A secret is mentioned in this scene

BMR: “The secret’s safe with me, but I think you should tell her anyway.” 2014 P. 57

Crave: “I hold his gaze, telling him with a look that I’ll keep his secret.” P. 59

14. She thanks him for helping her

BMR: “Thanks for—well, for everything.” 2014 P. 57

Crave: “Thank you,” I blurt out. “For helping me, I mean.” P. 61

15. He lets her know he doesn’t feel he deserves her thanks

BMR: Him: “

“His brows draw together in a frown. ‘Sorry about today.’”

Her: ‘You saved me.’

Her: “He just shakes his head, and I can tell he thinks it’s his fault.” 2014 P. 57 and You don’t know how many times I’ve wondered if those guys at the Stop-N-Go would’ve attacked if you hadn’t been with me. 2014 P. 99

Crave:

Him: ‘Is that what you think I did?’

Her: ‘Isn’t it?’

Him: “He shakes his head, gives a little laugh that has my heart stuttering in my chest. You have no idea...I just made you a pawn in a game you can’t begin to understand.” P. 61

16. After he leaves, she is left wondering

BMR: “He hopped on his bike and took off quickly, not saying another word, leaving me staring after him. **Wondering.**” 2011 **P. 63**; 2014 **P. 58** “Already she feels that he is somehow important to her and **wonders why.**” 5-14-10 Chapter Analysis, Ch 4

Crave: “I break off when I realize that I’m talking to myself. Because again, Jaxon is gone. And I’m left **wondering** when I’ll see him again. And **why** it matters so much that I do. **P. 64**

c. First kiss scene which is the triggering event for heroine to learn about the supernatural world. In BMR, the romantic lead’s eyes glow, as a werewolf shifter he’s affected by the moon and the kiss. In *Crave*, the romantic lead causes an earthquake with his vampire power because of the kiss.

1. It’s cold but the romantic lead makes her feel heat

BMR: “Don’t worry, I’ll keep you warm,” he offers. The way he says it I feel a flutter of **heat** curl through me.” 2013 P. 155

Crave: “...try to pretend that despite the chill, his hand on my arm doesn’t flood every cell of my body with **heat.**” P. 261

2. Just a light show

BMR: “...that flash across **the sky** in Alaska in the deep winter. **Just** a perfect black background to showcase our own personal **lightshow.**” 2013 P. 154

Crave: “...**just** watching the most brilliant **show** I’ve ever seen **light** up **the sky.**” P. 263

3. Heroine feels shy

BMR: “**I** feel **shy** and uncertain of myself.” 2013 P. 157

Crave: “**I** glance at him, suddenly **shy**, though I don’t know why.” P. 263

4. She wants him to kiss her but is afraid he might

BMR: “I want him to kiss me but at the same time I’m afraid he might. 2013 P. 155

Crave: “A part of me that wonders what it would feel like to kiss him and a part of me that thinks I should run for the hills...” P. 267

5. Romantic lead looks at her with yearning / craving

BMR: “What I see in his face is a mix of wistful yearning and hope. He’s looking at me like I’m the one who might be slightly out of reach...” 2013 P. 157; “While I craved the comfort of his presence, I knew he needed to be here more than I needed him.” 2010 P. 407

Crave: “There’s a desire in his eyes, a craving that has nothing to do with wanting me and everything to do with needing me.” P. 269

6. She can’t look / back away. She’s caught / mesmerised, enthralled

BMR: “He looks down into my eyes and I can’t look away. I’m caught. It’s hopeless, really.” 2013 P. 157

Crave: “I don’t back away. I can’t. I’m dazzled, mesmerized, enthralled.” P. 269

7. Cups face in hand

BMR: “He cups my cheek with his hand...” 2013 P. 158

Crave: “I cup his face in my hands...” P. 269

8. Romantic lead leans in /down, presses his lips to hers, soft kiss

BMR: “He leaned in and turned my chin up, pressing his lips ever so gently, ever so softly over my own in a whisper of a first kiss.” 2011 P. 172 “He leaned in and captured my lips with his own. Feather light, feather soft was his kiss, a gentle brush of his lips, the warmth of his breath mingling with my own.” 2011 P. 255

Crave: “Then he leans down and presses his lips to mine. It’s not a passionate kiss, not a hard

kiss, definitely not a wild kiss. It's just the brush of one mouth against another, as soft as a snowflake, as delicate as the permafrost..." P. 270

10. His hands are in her hair / upper arms; pulling closer; her arms around his neck / tries to slide her arms around his neck

BMR: "His hands are in my hair and my arms are twined around his neck pulling him closer."

2013 P. 158

Crave: "...his hands are on my upper arms...pulling me against him...try to slide my arms around his neck..." P. 271

11. She is delirious / her head is light

BMR: "I'm delirious with the heat and urgency of our kiss..." 2013 P. 158

Crave: "My head gets lighter, my knees get weaker..." P. 271

12. After kiss romantic lead loses self-control: his eyes start to change because he's a wolf shifter / the ground shakes because he's a vampire

BMR: "His coppery eyes were gleaming, phosphorescent like an animal's eyes in the dark."

2011 P. 173; 2013 P. 159

Crave: "'Earthquake!' I manage to squeak out, wrenching my mouth from his." P. 271

13. Heroine is scared of romantic lead: gleaming / burning eyes, inhuman / monstrous/ get out now

BMR: “Gleaming amber eyes rimmed in black.... Inhuman eyes...My heart was racing double-time so fast and so hard I was dizzy...It was all I could do not to stomp on his toes and make a run for it...I needed to get out of here. Now.” 2011 P. 173-175.

Crave: ‘You. Need. To. Go!’... He advances on me then, fingers flexing and eyes burning like black coals in a face livid with rage. I turn and run as fast as my weak knees will carry me...before this monstrous version of Jaxon overtakes me. P. 272

d. Scene after the first kiss in which heroine learns about the supernatural world. In both books, the heroine sees something supernatural after the first kiss with the romantic lead. In BMR, she sees the romantic lead’s eyes glow and his canines extend. In *Crave*, hours later, she peels back her bandage and finds bite marks on her neck. In this scene in both books the heroine finds marks on her neck. In BMR, the marks are some kind of script or markings. In *Crave*, they are bite marks.

1. Heroine realizes romantic lead tried to keep his distance so she wouldn’t figure out the truth

BMR: “The reason he’d kept his distance is because his parents knew he had a shifty eye problem and didn’t want him dating a girl from school who might find out about it. Me.” 2011 P. 186

Crave: “Or is there something more to the story, something that accounts for why my uncle was so nervous and Jaxon so determined to put distance between us.” P. 300

2. Heroine doesn't understand what she saw and has marks on her neck

BMR: “Were they worried he’d bite me? Eat me? Or just scare me?” 2011 P. 186 “I tilted my head to the side and angled the mirror—and felt my face drain of all color. There were **markings** on the back of **my neck!**” 2011 P. 190

Crave: “And it’s these thoughts that have me peeling back the bandage...staring at the cut on **my neck**. Or, more precisely, at the two perfectly round, perfectly spaced puncture **marks**...” P. 300

3. Heroine can't sleep after that

BMR: “Exhausted, I was too wired to **go to sleep** ...” 2011 P. 189

Crave: “Needless to say, there’s no **going to sleep** after that.” P. 301

4. Heroine wants answers

BMR: “**I wanted answers about Ash and I wanted them now.**” 2011 P. 192 (about romantic lead’s eyes and what happened)

Crave: “Jaxon, on the other hand...**If he lies to me, you’d better believe I’m going to stake him through his fangy black heart...I march through the school like a woman on a mission.**” P. 303 (about the fang marks and romantic lead’s part in that).

5. Heroine’s head is spinning when she learns that the supernatural is real

BMR: “**My head was spinning** with a hundred different thoughts at one time...” 2011 **P. 230**

Crave: “...it’s just that **my head is spinning**. This has to be a nightmare.” **P. 309**

6. Heroine learns romantic lead is a werewolf / vampire

BMR: “I-I think you might be under a curse of some kind. Like a **werewolf**...” 2011 **P. 228**

Crave: “Then tell me the truth. Is. Jaxon. Vega. A. **Vampire?**” **P. 313**; “And I’m a **witch**. It’s a family thing.” P. 316

7. Heroine learns monsters are real

BMR: All the fairy tales and stories you heard in your childhood about **monsters** and evil beings—it just so happens **they’re true.**” 2011 **P. 237**

Crave: “I’m not sure there’s ever a good time to tell someone that **monsters are real.**” **P. 318**

42. There are a staggering number of similar words and phrases that appear in BMR and *Crave*. Set forth below are examples.

a. **CRAVE BOOK 1**

1) Heroine reflects that Alaska feels like (living on) the moon

BMR: “...winter in **Alaska** must be like **living on the moon...**” 2011 P. 274

Crave: “**Alaska feels like the moon.**” P. 34

2) Heroine is in “way” over her head

BMR: “**I was in way over my head.**” 2011 **P. 121**

Crave: “**...I’m in way over my head...**” **P. 177**

3) And I don’t believe in coincidences

BMR: “**And I don’t believe in coincidences...**” 2010 **P. 414** (2011 P. 516)

Crave: “**And I don’t believe in coincidences.**” **P. 403**

4) Romantic lead wears black jeans and a t-shirt

BMR: “...though **he** was dressed well in **black** designer **jeans and a black t-shirt...**” 2011 **P. 20**

Crave: “...the **black jeans and t-shirt he’s** wearing...” **P. 22**

5) Romantic lead wears a black V-neck sweater

BMR: “... **dressed** well in jeans and a **black v-neck sweater...**” 2010 **P. 16**

Crave: “Dressed all in Gucci black--silk V-neck sweater...” P. 86

6) Heroine describes romantic lead’s appearance

BMR:

Dark hair, full lips, red lips, chiseled features

2011 P. 14, 15, 16, 34, 58, 101, 108, 163, 168

Dangerous P. 16, 53, 127, 251, 286, 311, 367, 424, 465

Bad boy 2010 P. 32, 2011 P. 42, 172, 475

Dark angel P. 222

Sexy P. 20

Arrogant P. 20

Rock star P. 20, 82

Gorgeous P. 16, 38, 82, 108, 483

Beautiful P. 17, 222

Wicked P. 16

Wild P. 186, 2014 P. 19

Hot P. 22, 28, 29, 252, 303, 311

Smoking hot P. 303

Tall, lean P. 15

Lean muscle P. 15

Hard muscles of biceps P. 167

Smile turns one corner of his mouth up P. 24, 301

Crave:

Dark hair, full red lips, chiseled features

P. 21, 22

Dangerous P. 22, 28, 137, 224

Bad boy P. 30

Fallen angel P. 30

Sexy P. 86

Arrogant P. 137

Rock star P. 137

Gorgeous P. 137, 432

Beautiful P. 21, 203

Wicked P. 22

Wild P. 22

Hot P. 21, 23, 137

Smoking hot P. 137

Long, lean P. 22

Lean muscle P. 405

Hard well-defined biceps P. 22

Smile turns corner of his mouth up P. 22

7) Romantic lead brings his thumb to his lips, licks /sucks, gaze with heroine

BMR: “He brought his thumb to his lips and licked it, his gaze locked with mine.” 2011 P. 594

Crave: “Then brings his thumb to his lips and —holding my gaze with his own—his thumb in his mouth and slowly sucks off the blood.” P. 62

8) She steps back admiring her handiwork

BMR: “She stepped back down...admiring her handiwork” 2011 P. 219

Crave: “Macy steps back to admire her handiwork.” P. 206

9) After an embarrassing moment with the romantic lead

BMR: “... I wanted the ground to just open up and swallow me.” 2011 P. 107

Crave: “...I pray for the ground to open up and swallow me.” P. 254

10) Heroine drifts in and out of fitful sleep

BMR: “As I drift in and out of fitful sleep, I hear...” 2011 P. 203

Crave: “I drift in and out of sleep.....and eventually fall into a fitful sleep....” P. 109

11) Mouth opens and closes like a fish out of water, struggle for

BMR: “My mouth opens and closes like a fish out of water...I struggle for air, my body thrashing.” 2011 P. 2

Crave: “Stunned, his mouth opening and closing like a fish out of water as he struggles for a decent response.” P. 373

12) Well, well, well. Looks like

BMR: Well, well, well. Looks like I’ve hit the jackpot.” 2013 P. 58; 2014 P. 48

Crave: “Well, well, well. Looks like we made it back just in time.” P. 53

13) Frankenstein

BMR: “Apparently, the next time I saw Ash, if I ever saw him again, I could very well be a monster of Julian’s creation. Frankenstein’s bride” 2012 P. 474

Crave: “I read Frankenstein last year—I can only imagine what abomination she’ll bring back from the dead if her little plan actually works.” P. 485

14) Using every ounce of willpower

BMR: “Using every ounce of willpower that remained to me...2011 P. 499

Crave: “Then, using every ounce of willpower I have left,” P. 479

15) My eyes bug out of my head (heroine)

BMR: “My eyes bugged out of my head as I turned to see.” 2011 P. 280

Crave: “...my eyes bugging out of my head. P. 239

16) Wait for the other shoe to drop

BMR: “It was amusing in a ‘waiting for the other shoe to drop’ sort of way... 2011 P.275

Crave: “I...wait for the other shoe to drop even though...” P. 340

17) Poker Face

BMR: “...willing myself to keep a poker face.” 2011 P. 131

Crave: “...who pretty much has the opposite of poker face...” P.173

18) Soul sucking demon

BMR: “I’d been taken. By demons. Soul sucking demons.” 2012 P. 440

Crave: “How was I supposed to know Angie was a soul-sucking demon?” P. 219

19) Adding fuel to the fire (gossip reference)

BMR: “Adding fuel to the fire.” 2011 P. 319 (in reference to gossip.)

Crave: “...last thing I need to do is add fuel to the fire.” P. 424 (in reference to gossip)

20) Drama queen

BMR: “Don’t be such a drama queen!” 2011 P. 514

Crave: “Are you always such a drama queen...” P. 502

21) Heroine bats her hands away

BMR: “I’ll be fine,” I said as I batted her hands away. 2011 P. 14

Crave: “It’s okay; I can do it,” I bat her hands away... P. 171

22) Heroine can’t bear losing one more / another person she loves

BMR: “Because the thought of losing one more person I love is unbearable.” 2016 P. 95

Crave: “...watching another person I love die, there is no alternative...” P. 493

23) The hair on the back of her neck prickles / stands up feeling watched

BMR: “... feeling of being watched makes the hairs prickle on the back of my neck.” 2011 P. 3

Crave: “...the hair on the back of my neck stands up...it suddenly feels an awful lot like I’m being watched.” P. 40

24) Romantic lead makes heroine feel like spontaneous combustion

BMR: “My own spontaneous combustion would be great right about now. He’s at the door in a flash, opening it for me...” 2016 P. 19

Crave: “...make me feel like I might spontaneously combust--especially if I spend much longer thinking about Jaxon.” P. 170

25) Heroine calls romantic lead nicknames in her head:

BMR: Tall, dark, and mercilessly good-looking. 2011 P. 17 Tall, dark, and wickedly handsome

2012 P. 19; Mr. Tall, Dark, and Bloodthirsty, heroine refers to vampire prince. 2011 P. 507

Crave: Mr. Tall, Dark, and Surly. P. 32, P. 34, 120.

26) Romantic lead says to heroine about them having a relationship:

BMR: “You know this isn’t going to be easy for us,” 2010 P. 200

Crave: “This is going to be a lot of things, Grace. Easy isn’t one of them.” P. 167

27) Anxiety and panic quotes about heroine’s physical symptoms of panic

BMR: “My stomach tightens.” 2016 P. 14

Crave: “My stomach tightens up...” P. 403

BMR: “My heart sank down to my stomach and my stomach dropped down to my feet.” 2011 P. 199

Crave: “My heart falls straight to my feet...” P. 289

BMR: “My heart was racing double-time...” 2011 P. 175

Crave: “...my heart beats triple time.” P. 188

BMR: “My stomach was already performing the Olympic gymnastics routine.” P. 101

Crave: “My already nervous stomach does a series of somersaults.” P. 206

BMR: “My throat felt tight and I spoke slowly to get the words out...” 2011 P. 31

Crave: “I barely manage to get the words out past my suddenly tight throat.” P. 139

28) Everything in her is “screaming” when romantic lead offers her something

BMR: Romantic lead offers heroine a ride: “Everything within me is screaming to just give in and say yes.” 2012 P. 49

Crave: Romantic lead offers heroine a necklace: “even though everything inside me is screaming for me to hold tight to the necklace...” P. 443

29) Fury, “yearning” to destroy / destruction

BMR: “A **fury** so strong I actually felt on fire with it and **yearned to destroy** him.” 2011 **P. 551**

Crave: “**Fury** sweeps through me...He puts his hands on her hips in a gesture that makes every cell in my body **yearn for destruction.**” **P. 553-554**

30) Okaaay/ Okaaaaaay

BMR: “**Okaaay,**” 2011 P. 302

Crave: “**Okaaaaaay,**” P. 179

31) Aunt Brie / Uncle Finn kisses the top of heroine’s head

BMR: “She **kisses the top of my head** as she gets up to leave.” 2012 **P. 123**

Crave: “...with a **kiss to the top of my head.**...” **P. 116**; “...**kiss on the top of my head.**” **P. 207**

32) Something different, magnetism

BMR: “There’s **something different** about him, Aunt Brie. And he has a certain presence — charm, **magnetism**—I can’t explain it.” 2011 **P. 82**

Crave: “Still, there’s something more to him. **Something different** and powerful and overwhelming...“ “sheer **magnetism** rolling off him in waves.” **P. 21**

33) Romantic lead does a mock bow

BMR: “**He** swept his arm out, ducking in a **mock bow.**” 2011 P. 37

Crave: “**He** does a **mock** little **bow.**” P. 392

34) Heroine’s self-defense class / training

BMR: Just a **self-defense class,**” (Anna) 2013 **P. 62**

Crave: Every ounce of **self-defense training** I’ve ever had...”(Grace) **P. 59**

35) His warm breath against my ear; his scent wrapped itself around me

BMR: "... his warm breath delicious against my ear. His scent wrapped itself around me," 2011 P. 172-73

Crave: "...his breath is so warm and soft against my ear...and the orange and dark water scent of him currently wrapping itself around me. P. 141

36) Velvet wing chair vs. Velvet wingback chair

BMR: "I sat on the plush velvet wing chair on the...." 2011 P. 209

Crave: "...and the huge red velvet wingback chair P. 89

37) Vampires ... oh my

BMR: "Vampires trolls and demons oh my." 2011 P. 500

Crave: "Vampires, dragons and werewolves oh my!" P. 324

38) Harry Potter

BMR: "Just think of what I'm doing as my very own 'sorting hat.'" "You're really quoting Harry Potter..." 2011 P. 533

Crave: "I can't help wondering if this castle--like Hogwarts--comes equipped with its very own ghosts." P. 53

39) Movies and Tom Cruise

BMR: "'And I love all of the 'Raiders of the Lost Ark' movies too.'" He gave his best bad-boy grin, one that would do Tom Cruise proud.' 2011 P. 42

Crave: "So you're an old movie buff? Or just an old - Tom Cruise - movie buff?" P. 262

40) Star Wars

BMR: "...it was the cantina scene from 'Star Wars,' only I was in it." 2011 P. 495

Crave: "The Star Wars movie where everybody dies???" P. 191

41) Shakespeare

BMR: “Et tu, brute?” 2011 P. 40 *Julius Caesar*

Crave: “Et tu, brute?” P. 164 *Julius Caesar*

42) Things that go bump in the night

BMR: “Things that go bump in the night.” 2010 P. 3, 185, 232, 476; The Plot 2008

Crave: “Things that go bump in the night.” P. 28, 198, 343

43) Molten amber eyes, bright

BMR: “His eyes were molten amber... bright and shiny...” 2011 P. 367

Crave: “...those molten amber eyes of his.” P. 362 “Bright-amber eyes.” P. 35

Attached hereto as Exhibit “3” is a true and correct copy of a document entitled “Substantially Similar Language (Primarily Phrases) in Crave and BMR” containing a list of much of the similar language contained in both *Crave* and *BMR*.

43. The characters in *Crave* are also substantially similar. Set forth below are some examples of the similar characters. Some of the character traits are not displayed until later books in the series.

| <u>Characters in Blue Moon Rising</u> | <u>Characters in Crave Series</u> |
|--|--|
| a. Anna | Grace |
| 1. Teen heroine almost 17. | Teen heroine 17. |
| 2. From San Diego. | From San Diego. |
| 3. Moves to Alaska after a tragic accident that kills her dad and mom. | Moves to Alaska after a tragic accident that kills her dad and grandparents. |
| 4. Is suffering from a strong sense of loss. | Is suffering from a strong sense of loss. |

- | | |
|---|---|
| 5. Has panic attacks and anxiety. | Has panic attacks and anxiety. |
| 6. Uses breathwork to cope. | Uses breathwork to cope. |
| 7. She discovers her family was murdered by the vampire prince. | She discovers her family was murdered by the vampire prince's mate. |
| 8. Her parents have kept the supernatural world secret from her. | Her parents have kept the supernatural world secret from her. |
| 9. Her father was wolf shifter but she didn't know. | Her father was a witch but she didn't didn't know. |
| 10. Her parents were "deeply in love with one another." | Her parents "loved each other a ridiculous amount." |
| 11. She has no other family other than her mom and aunt. | She has no other family other than her cousin and uncle. |
| 12. Later, discovers she has a long-lost grandmother. | Later, discovers she has a long-lost grandmother. |
| 13. Thinks she's human but she's unique among supernaturals. | Thinks she's human but she's unique among supernaturals. |
| 14. Her supernatural purpose is to restore the balance. She is a protector. | Her supernatural purpose is to restore the balance. She is a protector. |
| 15. She is a magical being with magic in her veins. | She is a magical being with magic in her blood. |
| 16. She is the only one of her kind and must bring balance between the races to stop war; the discord between them is affecting the human world. | She is the only one of her kind and must bring balance between the races to stop war; the discord between them is affecting the human world. |

- | | |
|---|---|
| 17. She hears two voices in her head. | She hears two voices in her head. |
| 18. One is an immortal “abomination” who is trapped in chains in a place reachable by portal. The vampire prince Julian put him there. | One is the Unkillable Beast who is trapped in chains in a place reachable by portal. The vampire king Cyrus put him there. |
| 19. She visits him by portal, tells him she’s a friend, and promises to come back for him. | She visits him by portal, tells him she’s a friend, and promises to come back for him. |
| 20. Later, she learns he is her long-lost father. | Later, she learns he is her long-lost grandfather. |
| 21. The other voice she hears in her head is Ronan (Hudson). | The other voice she hears in her head is Hudson (Ronan). |
| 22. She is immune to certain magic. | She is immune to certain magic. |
| 23. When she learns she is supernatural, she thinks she is half human. | When she learns she is supernatural, she thinks she is half human. |
| 24. She is a Nyx. | She is a gargoyle. |
| 25. She thinks her mother is human. | She thinks her mother was human. |
| 26. Her mother is a Kindred witch, and she comes from a long line of witches. | Her mother was a gargoyle, and she she comes from a long line of gargoyles. |
| 27. She is born of mixed bloodlines. | She is born of mixed bloodlines. |
| 28. She is the descendant of a twin goddess; she is a semi-god. | She is the descendant of a twin goddess; she is a demi-god. |
| 29. Kindred witches are made of magic. | Gargoyles were created by witches and are born of magic. |

- | | |
|---|---|
| 30. Kindred were wiped out to near extinction because of a betrayal. | Gargoyles were wiped out to near extinction because of a betrayal. |
| 31. She has magical tattoos, that itch and burn. | She has magical tattoos, that itch and burn. |
| 32. High school junior, takes honors classes. | High school senior, takes AP classes. |
| 33. Loves books / reading. | Loves books / reading. |
| 34. Quotes books, Shakespeare, philosophy, etc. | Quotes books, Shakespeare, philosophy, etc. |
| 35. Thinks she isn't beautiful. | Thinks she isn't beautiful. |
| 36. Saves romantic lead's life. | Saves romantic lead's life. |
| 37. Sacrifices herself for the romantic lead's life. | Sacrifices herself for the romantic lead's life |
| 38. Drinks a lot of tea, tea is a thing in her family. | Drinks a lot of tea, tea is a thing in her family. |
| 39. Aunt makes special herbal tea blends. | Mom made special herbal tea blends. |
| 40. The tea was used to bind her magic and keep her ignorant of herself and the supernatural world. | The tea was used to bind her magic and keep her ignorant of herself and the supernatural world. |
| 41. Loves Mexican food – queso especially from local hotspot in Alaska. | Loves Mexican street tacos especially from local hotspot in San Diego. |
| 42. Supernatural beings in the story call her “child,” “little girl,” “cherie” “daughter.” | Supernatural beings in the story call her “child,” “little girl,” “cher” “daughter.” |
| 43. She is a queen. | She is a queen. |

b. Ash

1. Romantic lead.
2. Werewolf shifter.

Jaxon

- Romantic lead.
- Vampire.

- | | |
|---|--|
| 3. Becomes heroine's boyfriend. | Becomes heroine's boyfriend. |
| 4. Citrus and waterfall scent, spicy. | Orange and fresh water scent, spice. |
| 5. Scent is part of his allure to heroine and is mentioned frequently. | Scent is part of his allure to heroine and is mentioned frequently. |
| 6. Intense, cocky, dangerous edge. | Intense, cocky, dangerous edge. |
| 7. Unusual "amber" eyes rimmed in black that are riveting. | Unusual "obsidian" eyes that are riveting. |
| 8. Locks gazes and hard to look away from. | Locks gazes and hard to look away from. |
| 9. Dominant. | Dominant. |
| 10. Dark hair. | Dark hair. |
| 11. Tall, slim, muscled. | Tall, slim, muscled |
| 12. Full red lips. | Full red lips. |
| 13. Wears black jeans and t-shirt the day he meets the heroine. | Wears black jeans and t-shirt the day he meets the heroine. |
| 14. Wears designer clothing. | Wears designer clothing. |
| 15. Wears a black v-neck sweater. | Wears a black v-neck sweater. |
| 16. Wants heroine to stay away but can't resist her. | Wants heroine to stay away but can't resist her. |
| 17. Fiercely protective of heroine. | Fiercely protective of heroine. |
| 18. Thinks he and heroine are bonded, mates. | Thinks he has a mating bond with heroine. |
| 19. Blames himself for her being in danger | Blames himself for her being in danger. |
| 20. Has an older brother who was murdered and feels responsible. | Has an older brother who he thinks he murdered and feels responsible. |
| 21. Crooked grin. | Crooked grin. |

- | | |
|--|--|
| 22. Rescues heroine from vampire prince. | Rescues heroine from vampire prince's mate |
| 23. Gets jealous of Brendan (Crave's Flint). when he is around the heroine. Doesn't know Brendan is gay. | Gets jealous of Flint (BMR's Brendan). when he is around the heroine. Doesn't Doesn't know Flint is gay. |
| 24. Has powers with his mind, can compel, calm, and persuade others. | Has powers with his mind; telekinesis. |
| 25. Seems like he can fly--can jump really high. | Seems like he can fly--can float with telekinesis. |
| 26. Comes and goes so quickly she can't hear him, seems like he disappears. | Comes and goes so quickly she can't hear him, seems like he disappears. |
| 27. Has a magical ability to "cast" - move so quickly looks like he's appearing and disappearing. | Has a magical ability to "fade" - move so quickly looks like he's appearing and disappearing. |
| 28. During first kiss with heroine, loses self-control and starts to shift forms and scares her. | During first kiss with heroine, loses self-control and starts an earthquake and scares her. |
| 29. He is described by heroine as: Dangerous, dark angel, bad boy, sexy, arrogant rock star, gorgeous, beautiful, wicked, wild, hot, smoking hot, lean muscle, tall, with chiseled features and full red lips. | He is described by heroine as: Dangerous, fallen angel, bad boy, sexy, arrogant rock star, gorgeous, beautiful, wicked, wild, hot, smoking hot, lean muscle, tall, with chiseled features and full red lips. |
| 30. Heroine finds him dangerous but can't resist. | Heroine finds him dangerous but can't resist. |
| 31. She responds to the danger in him, and is | She responds to the danger in him, and is |

drawn to it.

32. Tells heroine their relationship isn't going to be easy.

33. Blames himself for putting her in danger.

34. Rescues her when she's kidnapped by vampire prince.

35. Doesn't want heroine to walk away because he wants to experience what is between them.

36. Tells her he loves her for the first time at the end of the first book.

c. Ronan (aka The Bloodletter)

1. Royal
2. Powerful magical gifts
3. Vampire, Druid, magus, and shifter
4. Dark hair, "stormy blue eyes."
5. Believed to be evil.
6. Said to have been depraved, not sane
7. Said to have taken away free will from others.
8. An apocalypse could occur if he's free.
9. Has been trapped in his wolf form in another dimension.
10. Accent "neither British nor Scottish."

drawn to it.

Tells heroine their relationship isn't going to be easy.

Blames himself for putting her in danger.

Rescues her when she's kidnapped by vampire prince's mate.

Doesn't want heroine to walk away because he wants to experience what is between them.

Tells her he loves her for the first time at the end of the first book.

Hudson

- Royal prince
- Powerful magical gifts
- Vampire
- Dark hair, "stormy blue eyes."
- Believed to be evil.
- Said to have been depraved, not sane
- Said to have taken away free will from others.
- An apocalypse could occur if he's free.
- Has been trapped in spirit form in another dimension.
- British accent.

- | | |
|---|---|
| 11. Mocking smile, chiseled features, gorgeous. | Mocking smile, chiseled features, gorgeous. |
| 12. Tall, slim, and muscled. | Tall, slim, and muscled. |
| 13. Heroine doesn't remember him though they've met and spent time together in another dimension. | Heroine doesn't remember him though they've met and spent time together in another dimension. . |
| 14. Heroine accidentally releases him from the other dimension when she frees him from a trap. | Heroine accidentally releases him from the other dimension when she inhales him during Lia's spell. |
| 15. He was believed to be trapped in a cursed object, entwined with a demon. | He is now trapped in her mind, entwined with her. |
| 16. He is believed to be evil and will bring war. | He is believed to be evil and will bring war. |
| 17. Caused the "wholesale slaughter of his people." | Caused "genocide." |
| 18. He isn't evil; he acted for the greater good. | He isn't evil; he acted for the greater good. |
| 19. He's not what he seems and has extraordinary power. | He's not what he seems and has extraordinary power. |
| 20. Bites heroine's lip to taste her blood. | Bites heroine's lip to taste her blood. |
| 21. In registered 2010 notes to be in love triangle and romantic lead for book two. | In love triangle with heroine and and romantic lead. |
| 22. Helps heroine use her powers rather than protect her. | Helps heroine use her powers rather than protect her. |
| 23. Calls the heroine "love." | Calls the heroine "love." |
| 24. He believes he is hers and she is his. | He is her mate. |
| 25. Heroine chooses him over romantic lead. | Heroine chooses him over romantic lead. |

d. The High Priestess

1. Born a witch, made a vampire
2. Heroine's long-lost grandmother she never knew she had.
3. Is powerful and has powerful magic.
4. She is consulted for advice by heroine.
5. Offers advice but it's advice that forces heroine to make her own decisions.
6. Tells heroine she'll "know what to do."
7. Has "more than a hint of danger in her green eyes."
8. Calls heroine "child" and "darling."
9. Talks to heroine about sacrifice.
10. Tells heroine magical gifts come with a price.
11. Lives in another dimension.
12. It's high summer where heroine visits her even though it's winter in Alaska.

e. Brendan

1. He is the heroine's close male friend.
2. His parents are a mixed race couple.

The Bloodletter

Vampire but can work magic

Heroine's long-lost grandmother she never knew she had.

Is powerful and has powerful magic.

She is consulted for advice by romantic lead and heroine.

Offers advice but it's advice that that forces heroine and romantic lead to make their own decisions.

Tells heroine she'll "know what to do."

Has "more than a hint of avarice in her green eyes."

Calls heroine "child" and "darling."

Talks to heroine about sacrifice.

Tells heroine all magic has a price.

Lives in a cave deep below the ice.

Takes heroine to a room where it's high summer even though it's winter in Alaska.

Flint

He is the heroine's close male friend.

His parents are a mixed race couple.

- | | |
|--|--|
| 3. He has warm café-au-lait skin, mochachino skin. | He has warm brown skin. |
| 4. He's multiracial; part black. | He's multiracial; part black. |
| 5. He's gay. | He's gay. |
| 6. Only the heroine knows he's gay. | Only the heroine knows he's gay (at first). |
| 7. He's gorgeous, good-looking. | He's gorgeous, good-looking. |
| 8. He's brainy. | He's super smart. |
| 9. He's athletic, plays on school sports team. | He's athletic, plays on school sports team. |
| 10. He calls the heroine nicknames and teases her. | He calls the heroine New Girl through all the books and teases her. |
| 11. He "waggles his brows" at the heroine in humor. | He "waggles his brows" at the heroine in humor. |
| 12. Romantic lead is jealous of him being with the heroine. | Romantic lead is jealous of him being with the heroine. |
| 13. He's a faery; Fae. | He's a dragon shifter. |
| 14. Heroine thinks he's beautiful in his supernatural form. | Heroine thinks he's beautiful in his supernatural form. |
| 15. He flashes heroine a big smile, and has a smile he's known for. | He flashes heroine a big smile, and has a smile he's known for. |
| 16. He, heroine, and their friends, are on the school paper together. | He, heroine, and their friends, are on the are on the school Ludares team together. |
| 17. He is a leader: school president. | He's a leader: captain of the Ludares team. |

f) Julian

1. Prince (there is no king).

Cyrus

- King.

- | | |
|--|--|
| 2. Vampire. | Vampire. |
| 3. Belongs to a royal court. | Belongs to a royal court. |
| 4. Leader of the Order, demon faction. | Leader of the council / circle. |
| 5. Elitist. | Born vampire supremacist. |
| 6. He's "like a king cobra." | He's "like a cobra." |
| 7. He's evil. | He's evil. |
| 8. Has a special bite, the Kiss of Death / Life which can be lethal. | Has a special bite, the Eternal Bite which is lethal. |
| 9. Wants war so supernaturals can take over the earth. | Wants war so supernaturals can take over the earth. |
| 10. Ronan is thought to be in league with him and it's believed he would join Julian to bring the next supernatural war. | Hudson is thought to be in league with him it's believed he would join Cyrus to bring the next supernatural war. |
| 11. Calls the heroine "little girl." | Calls the heroine "little girl." |
| 12. Wants to give heroine his special bite, the Kiss of Life/Death, which could kill her. | Gives heroine his special bite, the Eternal bite, which should kill her. |
| 13. He has a daughter from another woman who is not his mate, which is a surprise in the story. | He has a daughter from another woman who is not his mate, which is a surprise in the story. |
| 14. His daughter is related to the heroine: she is her half-sister. | His daughter is related to the heroine: she is her cousin and the romantic leads half-sister. |
| 15. His daughter helps him when he holds the heroine and her friends prisoner. | His daughter helps him when he holds the heroine and her friends prisoner. |

- | | |
|--|--|
| 16. He is tall with blue eyes that are an intense shade of blue. | He is tall with blue eyes that are cobalt blue. |
| 17. He and the heroine make a deal when he has her. She wants to save her friends. | He and heroine make a deal when he has her. She wants to save her friends. |
| 18. The heroine fights him, even believing that she won't win. | The heroine fights him, even believing that she won't win. |

g. Immortal "Abomination" (Dante)

1. Speaks Gaelic.
2. He turns out to be her long-lost father.
3. One of two voices the heroine hears in her head.
4. Gives her warnings, tells her things.
5. Werewolf shifter and made vampire (demon).
6. His kind can communicate with one another telepathically.
7. Heroine is half of his kind of supernatural by blood.
8. Trapped by vampire prince Julian, he is in a steel trap chained to a tree which is accessible by portal, in another dimension.
9. Heroine visits him and tries to free him. She tells him she's a friend and promises to come back for him.

Unkillable Beast (Allistair)

- Speaks Gaelic.
- He turns out to be her long-lost grandfather.
- One of two voices the heroine hears in her head.
- Gives her warnings, tells her things.
- Gargoyle.
- His kind can communicate with one another telepathically.
- Heroine is half of his kind of supernatural by blood.
- Trapped by vampire king Cyrus, he is in chains on a wall in a cave which is accessible by portal on an island.
- Heroine visits him and tries to free him. She tells him she's a friend and promises to come back for him.

h. Aunt Brie

1. Heroine's aunt.
2. Witch.
3. Warm and kind to heroine.
4. Tells her about the supernatural world.
5. Heroine's only other known relative at the beginning of the story other than her mom.
6. Talks to the heroine about the romantic lead and his appeal, embarrassing her.
7. Kisses heroine on top of her head throughout the story.
8. Talks to heroine about her father's necklace and tells her never to take it off.

Uncle Finn

- Heroine's uncle.
- Witch (warlock).
- Warm and kind to heroine.
- Tells her about the supernatural world.
- Heroine's only other known relative at the beginning of the story other than her cousin.
- Talks to the heroine about the romantic lead and his appeal, embarrassing her.
- Kisses heroine on top of her head throughout the series.
- Talks to heroine about her father's rune stone and tells her to keep it on her at all times.

OVERWHELMING SIMILARITIES
Between the Freeman Copyrighted Material
and *Crush, Covet and Court*

44. The substantial similarity between the Freeman Copyrighted Material and *Crush, Covet,, and Court* are also overwhelming and undeniable. For among other reasons, they are derivative works of *Crave* based on the same characters and are merely a continuation of the same storyline in *Crave*. Additionally, they contain a number of the same scenes that are in the Freeman Copyrighted Material and a staggering number of similar words and phrases. Set forth below are examples of some similar words and phrases.

a. **CRUSH BOOK 2**

- 1) The Ronan / Hudson character says to the heroine:

BMR: “This is just the beginning” 2013 P. 466

Crush: “This is just the beginning.” P. 400

- 2) The Brendan / Flint character waggles his brows at the heroine

BMR: “Brendan waggled his brows at me, the brat.” 2011 P. 166

Crush: “Flint ...then waggles his brows at me.” P. 272

- 3) The Jenny / Macy character practically jumps up and down with heroine

BMR: “She grabs my arm and practically jumps up and down.” 2013 P. 245

Crush: “She wraps her arms around me like a limpet and practically jumps up and down...” P. 62-63

- 4) Heroine promises to free the immortal abomination / Unkillable Beast character

BMR: “But I’ll be back for you. I promise.” 2012 P. 513

Crush: “But I promise, we’ll come back for you.” P. 547

- 5) Heroine is told she’ll know what to do by the High Priestess / Bloodletter character

BMR: “You will know what to do when the time comes.” 2013 P. 221

Crush: “The Bloodletter told me I’d know what to do when the time was right.” P. 581

- 6) Heroine hears a voice inside her head that screams

BMR: “The voice inside my head was screaming at me to look down. Look away, look anywhere but at him.” 2011 P. 499

Crush: “The voice inside me is screaming now. Go back, go back, go back!” P. 531

- 7) Heroine hears a voice inside her head (immortal abomination / unkillable beast) that warns her

BMR: “Vampire!” the voice inside my head shrieked. 2011 P. 520; “*Demon!* the voice inside my head screams.” 2014 P. 313

Crush: “*Get up!* the voice deep inside me says.” P. 608

- 8) The evil vampire prince Julian / vampire king Cyrus character is like a cobra

BMR: “...he walked up to her slowly, like a king cobra moving in for the strike.” 2011 P. 552

Crush: “Cyrus...who is like a cobra, because it serves everyone best if you don’t take your eyes off him...” P. 380

- 9) Heroine’s Imagination running wild

BMR: “I knew my imagination was running wild...” 2011 P. 393

Crush: “...as my imagination runs wild.” P. 460

- 10) Jeans and a black turtleneck

BMR: “...she snatched them, a pair of jeans and a sleek black turtle neck...” 2011 P. 481

Crush: “She’s dressed much more casually...in a pair of jeans and a black turtleneck...” P. 397

- 11) Heroine is told nice of you to join us

BMR: “Nice of you to join us,” he says to Anna. 2011 P. 38

Crush: “Nice of you to join us, Grace,” Cyrus says. P. 589

- 12) Heroine wonders am I dead

BMR: “Am I dead?” 2011 P. 3

Crush: “Am I dead?” P. 17-18

13) Heroine wonders if something is wrong with her

BMR: “There was something wrong with me. Clearly.” 2011 P. 17

Crush: “Do you think something’s wrong with me?” P. 25

14) Heroine spinning out of control thinks of driving test / driving instructor

BMR: “Do you turn into a spin on the ice or are you supposed to turn away from a spin? I know that was one of the questions on my driver’s test. I just can’t remember the answer. I try it both ways but it doesn’t matter. I’m spinning out of control.” 2013 P. 463

Crush: “She catches me with a huge block of ice to the hip, which sends me spinning out of control... I plummet downward in a flat-out spin...so in the end I do what my driving instructor taught me to do when skidding out in a car. Instead of fighting to pull out of the spin, I turn into it.” P. 617

15) Looks like sucked/swallowed a lemon

BMR: “She looked like she’d sucked a lemon” 2011 P. 335

Crush: “He looks like he swallowed a lemon” P. 204

16) Heroine fights back when she’s attacked and blood spurts from his nose

BMR: “...and cuffed him in the face. Blood spurted from his nose.” 2011 P. 521

Crush: “...punch him in the nose... blood spurting out of his nose.” P. 601

17) Heroine says sleep claims me

BMR: “I...wait for sleep to claim me.” 2012 P. 8

Crush: “But right before sleep claims me...” P. 360

18) Three Musketeers, Alexandre Dumas

BMR: “All for one and one for all...” 2011 P. 518

Crush: “What’s that old saying? One for all and all for one...” P. 89

19) Peter Pan

BMR: Heroine about jumping off a balcony: “Was it **Peter Pan** and Wendy or Superman and Lois Lane?” I tried to joke.” 2013 **P. 369**.

Crush: Heroine in a conversation about flying: “You’re a gargoyle, not **Peter Pan**.” **P. 328**

T20 Superman

BMR: “...he looked **like Superman** gone bad.” 2011 P. 359

Crush: “You make him sound **like Superman**.” P. 198

21) Fairy tales and monsters

BMR: “All the **fairy tales** and stories you heard in your childhood about **monsters** and evil beings—it just so happens they’re true.” **P. 237**

Crush: “...almost like it’s more **fairy tale** than real **monster**...” **P. 205**

22) Heroine has mock horror

BMR: “I look down at my outfit **in mock horror**.” 2013 **P. 137**

Crush: “I tease, shaking my head **in mock horror**...” **P. 104**

23) Heroine with Ash / Jaxon: My face, his neck, breathe him in

BMR: “...**my face** resting against the bare skin of **his neck**. I **breathed him in**...” 2011 P. 414

Crush: “I bury **my face** in the spot where his shoulder meets **his neck**, and **I breathe him in**.” P. 576

24) Heroine: scream rises in my throat

BMR: “I smother the panicky **scream that rises in my throat**.” 2012 P. 188

Crush: “I demand, even as **a scream rises in my throat**.” P. 280

25) Heroine: panic rises into throat and I swallow it

BMR: “...**panic rises** up from my stomach **into my throat** but **I swallow it**...” 2013 P. 310

Crush: “**I swallow the panic rising in my throat**...” P. 483

26) Heroine: panic hits

BMR: "That's when the panic hits." 2013 P. 463

Crush: "...that's when panic hits me..." P. 112

27) Heroine: swallowed. Hard.

BMR: "I swallowed. Hard." 2011 P. 422, 457

Crush: "I swallow. Hard." P. 84

28) Heroine: my heart is in my eyes

BMR: "My heart is in my eyes." 2013 P. 224

Crush: "I look at him with what I know is my heart in my eyes..." P. 478-479

29) Sneer and a bad taste in mouth

BMR: "She said the last part with a sneer as though the admission that I was somehow important tasted bad in her mouth." 2011 P. 566

Crush: "Jaxon says his brother's name like it leaves a bad taste in his mouth, nose up and mouth curled into a small sneer..." P. 267

30) That old TV show

BMR: "if we were on that old TV show..." 2011 P. 22

Crush: "...despite what that old TV show said." P. 439

31) Romantic lead smells like citrus / orange and spice and water

BMR: Ash smells like "citrus and spice...and waterfalls." 2011 P. 436

Crush: Jaxon smells like "oranges and fresh water, and warm spicy cinnamon..." P. 10.

32) Woodsy scent

BMR: "He smelled wonderful, a clean, woodsy scent." 2011 P. 17

Crush: "...even as his familiar woodsy scent..." about Uncle Finn. P. 8

33) Troll / Giant character is the largest person heroine has ever seen

BMR: "...the door was opened by one of the largest men I'd ever seen." 2011 P. 489

Crush: "I think he's the largest person I've ever seen." P. 53

34) Troll / Giant character is seven feet tall

BMR: "...easily almost seven feet of rock solid muscle..." 2011 P. 489

Crush: "He's a huge man—seven feet at least..." P. 53

35) The Troll / Giant character doesn't eat humans

BMR: "'The part about eating humans is propaganda,' Ash answered..." P. 491

Crush: "Yes, he's a giant. But no, he doesn't eat people." P. 54

36) Saccharine sweet voice

BMR: "I'm Taylor Barbie," she said in a saccharine sweet voice. 2011 P. 144

Crush: "I keep my voice saccharine sweet." P. 173

37) Peacock

BMR: "They thrive on attention, adulation, that sort of thing and they like to cause a stir. Preening peacocks." 2010 P. 401

Crush: "...he goes into full peacock mode. Chest out, feathers up, and eyes wild..." P. 410

38) Rabid dog

BMR: "I wasn't a rabid dog..." 2011 P. 429

Crush: "He snarls like a rabid dog..." P. 418

39) Fawn all over

BMR: "Brendan doesn't fawn all over Taylor..." 2011 P. 100

Crush: "He's my mate. I'm allowed to fawn all over him." P. 240

40) Like a rag doll

BMR: "...her head lolling back on her shoulders like a rag doll." 2012 P. 472

Crush: "...so now he's dragging me like a rag doll down the field." P. 418

41) Homicidal Maniac

BMR: "He thinks I'm a homicidal maniac or something like that..." 2011 P. 301

Crush: "...what your girl needs to do is kick a homicidal maniac out of her head." P. 426

42) Spoil sport

BMR: "Don't be such a spoil-sport." 2011 P. 339

Crush: "Fine, spoilsport." P. 50

43) Heroine realizes she's not human

BMR: "I'm not human." 2011 P. 493

Crush: "I'm not human." P. 563

44) Two sides of the same coin

BMR: "You can't have one without the other because they're two sides of the same coin..."

2013 P. 90

Crush: "It just makes them two sides of the same coin." P. 221

b. **COVET BOOK 3**

1) Heroine "locks them in a box;" her fear and anxiety

BMR: "So I decided to push my feelings of fear and dread all the way down, out of reach and lock them in a box." 2011 P. 474

Covet: "And then I lock them away in a box as quickly as they come...I'd do almost anything to avoid a panic attack." P. 66

- 2) Heroine believes she is half-human once she knows she's a magical being

BMR: "Is it because I'm half human..." 2013 P. 344

Covet: "I may be only eighteen years old--and half human..." P. 431

- 3) Part lion part human

BMR: "...mythological beings part lion, part human..." 2011 P. 230

Covet: "Manticores are part human and part lion..." P. 454

- 4) Heroine "wraps my arms around my" when she panics

BMR: "I wrap my arms around my middle...The room is spinning out of control." 2012 P. 188

Covet: "I wrap my arms around my waist, the walls of the room closing in..." P. 113

- 5) Heroine's mouth feels like cotton

BMR: "My mouth feels like it's stuffed with cotton." 2014 P. 51

Covet: "And my mouth feels like it's full of cotton..." P. 103

- 6) Heroine says "I'm not most people"

BMR: "I guess I'm not most people," I murmured softly. 2011 P. 409

Covet: "Yeah, well. I'm not most people." P. 42

- 7) Heroine says what am I supposed to say to that

BMR: "I mean what am I supposed to say to that?" 2013 P. 268

Covet: "I don't even know what I'm supposed to say to that?" P. 110

- 8) Heroine has word vomit and babble with the romantic lead

BMR: "Word vomit...I'm possessed by a wracking case of babbling, stumbling idiocy, with no control over what comes out of my mouth." 2013 P. 51

Covet: "The more I babble, the more stonelike Hudson's face becomes until I force myself to stop vomiting words and take an actual breath." P. 52

9) Dante's Inferno

BMR: "I felt like I was in Dante's "Inferno"" 2011 P. 491

Covet: "Ever read Dante's "Inferno"? I'm thinking he took inspiration from this place...P. 471

10) Humpty Dumpty

BMR: "Humpty Dumpty sat on a wall. Humpty Dumpty had a great fall..." 2011 P. 346

Covet: "Humpty Dumpty Got Nothing on Us." P. 414

11) The Incredible Hulk

BMR: "The Incredible Hulk already has the door... the Hulk grabs me..." 2013 P. 59

Covet: "You're Iron Man and the Hulk all rolled into one." P. 179

12) Superman and Lois Lane

BMR: "I'm sure I've seen this in a movie before. Was it Peter Pan and Wendy or Superman and Lois Lane?" I tried to joke." 2013 P. 369

Covet: "I feel just like Lois Lane...You know, in the movie. Superman crushes coal to give Lois a diamond." P. 282

13) Romeo and Juliette

BMR: "We're star-crossed before the first date. Romeo and Juliette." 2011 P. 284

Covet: What it sounds like is some magical, next-gen *Romeo and Juliet* shit." P. 407

14) Sleeping Beauty

BMR: "It looked just like the sort of bed Sleeping Beauty might have slept in waiting for her prince to find her and break the spell—the wood carved with curlicues and fanciful swirls." 2011 P. 210

Covet: "...cheerful carvings on the staircase and room railings...As I look at this place, I'm

reminded of one of the versions of *Sleeping Beauty*...After the girl pricked her finger and fell into a sleep for a hundred years...” P. 242

15) Snow White

BMR: “‘Snow White,’ she whispers.” 2014 P. 102

Covet: “Or Snow White, for that matter.” P. 665

16) Twilight

BMR: “‘I think it’s more like Edward and Bella, though,’ she said with a wink.” 2011 P. 484
referencing the leads from the Twilight). “Although it is a very different story than *Twilight*, *Blue Moon Rising* will appeal to the same audience.” Query October 2010

Covet: “If you think I’m watching *Twilight* one more time New Girl...” P. 284

17) Like a horror movie

BMR: “All I’m thinking is that this is like a scene from one of those horror movies...” 2011 P. 203-204

Covet: “...this entire room looks like something out of a Transylvania horror movie...” P. 441

18) Berserkers

BMR: “Berserkers were legendary warriors who went into a rage and fought...” 2011 P. 421

Covet: “Nuri’s guards come at me like berserkers.” P. 433

19) Wendigo / Windigos eat humans

BMR: “I know from my Native studies class that a wendigo is a mythological shape-shifting monster that craves human flesh...” 2013 P. 81

Covet: “‘Windigos,’ Hudson replies quietly. ‘You don’t want to mess with them... They’re vicious and they eat humans...” P. 498

20) Zombies

BMR: “The whole sci-fi movie scenario plays in my head again. Deadly virus. Zombies.” 2012 P. 441

Covet: “The intake guards, or whatever you call them, are the creepiest-looking people I have ever seen. Zombies?” P. 441

21) Guards with translucent skin

BMR: “...they were reminiscent of the guards portrayed in ancient Egyptian tomb paintings...their skin was mahogany brown but somehow translucent...” 2012 P. 443

Covet: “The intake guards...grayish, nearly translucent skin.” P. 441

22) Lighthouse / Library of Alexandria

BMR: “...like the Hanging Gardens of Babylon or the Lighthouse of Alexandria.” 2016 P. 94

Covet: “And not just a regular community library. Like the Library of Alexandria.” P. 359

23) Get-Out-of-Jail-Free Card

BMR: “Now I’d used all that angst to whack him over the head with an emotional two by four as my get-of-jail-free card.” 2011 P. 305

Covet: “Let’s go bargain for a get-out-of-jail free card.” P. 329 “Does that mean you have an equally clever get-out-of-jail-free card you can offer?” P. 403

24) To the victor go the spoils

BMR: ““To the victor go the spoils,’ he murmured.” 2011 P. 557

Covet: “To the victor, go the spoils, right Hudson?” P. 503

25) Like a fortune teller

BMR: “I ask, just like any love-sick girl at a fortune-teller’s booth.” 2013 P. 433-434

Covet: “Like I’m at one of those fake fortune-tellers who just give people what they want to

hear.” P. 112

- 26) Tower Card in the Tarot – there are 78 cards, the heroine draws the same one in both books

BMR: “The Tower. Not good... tower leans on its side stricken by a lightning bolt...” 2011 P. 6

Covet: “‘Trouble,’...studies the card that looks like a tower being struck by lightning.” P. 540

- 27) Heroine is told there is more to her than meets the eye

BMR: “Unfortunately, there is more to you than meets the eye...” 2011 P. 567

Covet: “Apparently there’s a lot more to you than meets the eye.” P. 595

- 28) A mother character in the scene mentions the “life debt”

BMR: “I owe you a life debt for what you did today.” 2013 P. 336

Covet: “You owe me a life debt, vampire.” P. 645

- 29) Heroine says to herself, careful what you wish for

BMR: “Aunt Brynne always says to be careful what you wish for...” 2013 P. 259

Covet: “Be careful what you wish for and all that...” P. 108

- 30) Heroine tells immortal abomination / Unkillable Beast, she is a friend

BMR: “‘I’m a friend, promise,’ I whispered, reaching one hand out...” 2011 P. 584

Covet: “‘It’s okay,’ I murmur to him--out loud and with my mind. ‘I’m a friend.’” P. 650

- 31) Heroine has a smell as a magical being

BMR: “I can smell the demon in you.” 2014 P. 329

Covet: “...I definitely smell the gargoyle in you...” P. 229

- 32) Heroine has been kept “ignorant” of the magical world by parents in order to “protect” her

BMR: “...contact with the magical world. I thought if I could keep you from it, I would protect you and save myself. Instead, by keeping you ignorant...” 2013 P. 467

Covet: "“They knew there was magic in this world... They kept me ignorant...” P. 600 “...they did the best they could to protect me.” P. 602 (By not telling her of the magical world).

33) Heroine has felt out of place her whole life not knowing what she truly is

BMR: “I’ve felt out of touch, out of place, my whole life.” 2012 P. 81; 2011 P. 448; 2013 P.

89

Covet: “...I felt odd, out of place, a fish out of water in my own body...and in my own life.” P.

600

34) Balance, two sides of the same coin, balance, harmony

BMR: “I understand that the balance is harmony, an accord of light and dark...they’re two sides of the same coin; each opposite is essential to maintain the balance and rhythm of life on earth.”

2013 P. 90

Covet: “But the universe requires balance...each a different side of the same coin.” P. 392 “Both sides...unable to live in any kind of harmony or balance...” P. 395

35) Counterbalance

BMR: “Balance and counterbalance. In all things there is a choice.” 2011 P. 388

Covet: ‘Power,’ they were told, ‘always requires a counterbalance.’ P. 393

36) Heroine wonders “how am I supposed to” restore the balance

BMR: ‘You will need to balance both...’ ‘And just how am I supposed to do all that?’ I say it

like there’s no way he can possibly be serious. I’m just one person.’ 2012 P. 217; 2013 P. 220-221

Covet: “And if so, am I supposed to find a way to bring balance back? The idea seems absurd on its face. It’s a lot to process...” P. 399

37) Born to bring the balance

BMR: “You maintained the balance, Anna. You did what you were born to do.” 2013 P. 342

Covet: “Aciei loved the girls equally and always told them that they were born to bring balance to the universe...” P. 392

38) War is being waged

BMR: “We are at war, child, a war that has been waged...” 2011 P. 574

Covet: “All around us, war is being waged...” P. 621

39) Chance to register

BMR: “And then before I have a chance to register...” 2011 P. 265

Covet: “We barely have a chance to register...” P. 208

40) Magical tattoos are sparkly / bright and they “swirl” and “dance”

BMR: “...something sparkly caught the light...Tattoos!... swirling in a strange dance.” 2011 P. 362

“They’re swirling and dancing around my fingers and I can feel the...magic” 2013 P. 338

Covet: “...captured by the tattoo that’s so bright now, it’s practically blinding as it swirls and dances...” P. 605

41) Tattoo burns heroine

BMR: “And when I did, my back lit up on fire, thousands of tiny pin pricks.” 2011 P. 436 (tattoo is on her neck and back)

Covet: “My tattoo burns as the magic lights each tiny needle prick...” P. 623

42) She “breathes him in” like “coming home”

BMR: “I breathed him in and knew that I was home.” 2011 P. 414

Covet: “I...just breathe him in. It feels like coming home.” P. 207

43) Heroine wonders if romantic lead can hear her heart it's so loud

BMR: “My heart thundered loudly in my chest. Surely he could hear it?” 2011 P. 259

Covet: “My heart is pounding so hard in my chest, I’m certain he can hear it.” P. 132

44) Word vomit

BMR: “Word vomit. Twice in one day and both times with him!” 2011 P. 52

Covet: “...I force myself to stop vomiting words...” P. 52

45) An “invisible string” connects heroine and romantic lead

BMR: “But he’s not just any boy...It feels as though we’re tied together by an invisible string. Fated...from the moment we first met, he looked at me as if he knew me, and I felt the same.” 2016 P. 99 - 100

Covet: “Especially considering we’re mated. Already, I can feel the invisible string stretching between us, connecting us to each other on a soul-deep level.” P. 31

46) Heroine is told to “trust no one”

BMR: “Trust no one.” 2011 P. 115, 205, 215

Covet: “Trust no one, Grace.” P. 318

47) Heroine in New York City, and her mom

BMR: “We were in New York City...for my mom’s art show.” 2010 P. 114; 2011 P. 127

Covet: “...strolling through New York City...My mom was a huge Broadway musical fan... after I graduated, we’d come spend a week in New York.” P. 369

c. **COURT BOOK 4**

1) There’s no time like the present

BMR: “Well, there’s no time like the present.” 2011 P. 86

Court: "There's no time like the present." P. 143

2) God of Chaos

BMR: "...the God of Chaos himself." 2016 P. 104

Court: "The God of Chaos." P. 159

3) Gaelic

BMR: "You know Gaelic?" 2010. P. 264

Court: "Gaelic?" P. 45

4) Heroine is owed a debt for saving a life

BMR: "This clan owes you a debt, Anna. Thank you for saving my Caitie's life..." 2011 P. 429

Court: "Thank you Grace... You saved my son and that is a debt..." P. 577

5) Heroine says what could go wrong

BMR: "What could possibly go wrong?" 2011 P. 510

Court: "What could go wrong...?" P. 523

6) Prada

BMR: "Did you wear the new Pradas tonight?" 2011 P. 340; "...Prada lace-up boots." P. 481

Court: "...bloodred Prada suit..." P. 430

7) Hawaii vacation

BMR: "...were decked out in Hawaiian leis...returned from vacation..." 2011 P. 325

Court: "The vacation in Hawaii must be over..." P. 391

8) Heroine says million dollar question

BMR: "Well, wasn't that the million dollar question?" 2011. P. 27

Court: "It's the million-dollar question." P. 5

9) Romantic lead has million dollar smile

BMR: “And then he just grinned that million-dollar smile of his. 2011 P. 47

Court: “He’s grinning down at me... the corners of that million-dollar smile of his. P. 134

10) Mother to daughter

BMR: “An unbroken chain...mother to daughter back to the first queen of Egypt, to the Great Mother Isis herself.” 2016 P. 104

Court: “That kind of ancient magic, passed down from mother to daughter won’t be held back...” P. 475

11) Am I missing something

BMR: “Am I missing something?” 2011. P. 493

Court: “Am I missing something?” P. 590

12) Puzzle pieces

BMR: “I asked, feeling more of the puzzle pieces snap into place.” 2010 P. 194

Court: “I can tell he’s suddenly putting together the puzzle pieces we’ve got in the same way that I have. P. 436

13) Aunt says to heroine there’s magic in your veins / blood

BMR: “There’s magic in your veins.” 2011 P. 440

Court: “There’s magic in your blood. P. 477

14) Magic calls to magic

BMR: Magic calling to magic. 2011 P. 255

Court: Like magic calls to like magic. P. 181

15) Plan B, plan C / G

BMR: “Plan B is shot down. I need a plan C.” 2013 P. 270

Court: “What’s plan B? Or are we on plan G now.” P. 215

16) Heroine uses every ounce of will power not to move

BMR: “Using every ounce of willpower that remained to me, I stayed firmly planted....” 2011 P. 499

Court: “...it takes every ounce of willpower I have not to whirl around...” P. 541

17) Heroine wonders about romantic lead, what if our roles were reversed

BMR: “What if our roles were reversed?” 2013 P. 170

Court: “I would feel... the same way if our roles were reversed and....” P. 127

18) Heroine says look like sucked a lemon

BMR: “She looked like she’d sucked a lemon when...” 2011 P. 335

Court: “...queen looking like they’ve spent the last hour sucking on a bunch of really sour lemons.” P. 86

29) Claiming sanctuary

BMR: “Think of it like a church...where two opposing sides claim sanctuary.” 2013 P. 378

Court: “A child claiming sanctuary at that.” P. 81

20) Mother Nature

BMR: “...Mother Nature has done a pretty good job...” 2011 P. 123

Court: “...magic gave birth to Mother Nature?” P. 464

21) Bark worse than bite

BMR: “...her bite is definitely worse than her bark.” 2013 P. 326

Court: “If by all bark, you mean even more bite.” P. 82

22) Tiger's Eyes

BMR: "Coppery tiger's eyes." 2013 P. 199

Court: "Tiger's eye would be another good one." P. 472

23) Dolphin

BMR: "...look more like chubby dolphins...dolphin-like faces." 2016 P. 56

Court: "You haven't swum with the dolphins yet." P. 622

24) Bit by bit

BMR: "Bit by bit my world is unraveling...." 2013 P. 332

Court: "I can see power leaving his body bit by bit." P. 273

25) Heroine with Julian / Cyrus character: let's make a deal

BMR: "Let's make a deal." 2012 P. 455

Court: "Let's make a deal." P. 631

26) Born in ten generations/ thousand years

BMR: "She is said to be the most powerful of her kind born in ten generations." 2012 P. 207

Court: "Grace was the only gargoyle born in a thousand years." P. 164

27) Heroine's frazzled nerves

BMR: "My aunt's warm, brown eyes were welcoming and right now too friendly for my frazzled nerves. 2011 P. 66

Court: "It's that understanding that finally calms my frazzled nerves..." P. 189

28) Stonehenge: energy, vortex, structure, harness

BMR: "There's an energy vortex here... the Earth's energy is particularly concentrated...They built structures to mark them, like Stonehenge...These structures were placed at specific equidistant points as a means of harnessing energy and are used as portals..." 2011 P. 243

Court: “This structure looks like it could have been built five thousand years ago....Freaking Stonehenge.” P. 588 “Hudson waves a hand at the circle of stone pillars in the middle of the field....Stonehenge...his original ability was channeling energy, right?”...Likely he can harness lightning ...Remy will portal the rest of us over and punch through it. P. 594-595

29) Queen of Shadows, Shadow Queen

BMR: “The Queen of Shadows!” 2014 P. 355

Court: “We know how to reach the shadow queen...” P. 676

30) Win win

BMR: “Either way, it’s a win-win.” 2011 P. 549

Court: “So I call it a win-win.” P. 585

COUNT 1
FRAUD AND DECEIT AGAINST PROSPECT AND KIM

45. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 44 above as if fully set forth herein at length.

46. Prior to Freeman entering into the Agency Agreement, and various times thereafter, Kim, upon information and belief, falsely represented to Freeman that she would only show the Freeman Copyrighted Material to book publishers for the purpose of publishing Freeman’s book and to Prospect’s readers to critique the book.

47. The true facts, upon information and belief, which defendants failed to disclose, were that Prospect and Kim intended to show the Freeman Copyrighted Material to Wolff and possibly others for the purpose of committing copyright infringement.

48. Upon information and belief, Prospect and Kim knew that the aforesaid representations were false when they made them and said representations were made by them to

induce Freeman to enter into the Agency Agreement and to allow Prospect and Kim to supposedly shop her manuscript to book publishers.

49. Freeman at the time of the representations were made, did not know that the representations were false and believed them to be true.

50. In justifiable reliance on these representations, Freeman was induced to and did enter into the Agency Agreement and allow Prospect and Kim to shop her manuscript to book publishers. Had Freeman been aware that the representations were false, or had Prospect and Kim disclosed the true facts, she would not have entered into the Agency Agreement or allowed Prospect and Kim to shop her manuscript to book publishers.

51. Freeman discovered the above-described fraud and deceit within two years of the filing of this Complaint. Freeman could not with reasonable diligence have discovered the fraud and deceit earlier.

52. Upon information and belief, the fraudulent acts of Prospect and Kim described above were committed willfully, maliciously, recklessly and fraudulently to induce Freeman to enter into the Agency Agreement and allow Prospect and Kim to shop Freeman's manuscript to book publishers.

53. As a direct and proximate result of the fraud and deceit, Freeman has suffered compensatory damages in an amount to be determined at trial and is entitled to an award of punitive damages in an amount to be determined at trial.

COUNT II
BREACH OF FIDUCIARY DUTY AGAINST PROSPECT AND KIM

54. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 44 and 46 through 52 above as if fully set forth herein at length.

55. Prospect and Kim breached their fiduciary obligations to Freeman by, among other things, making the false representations to her set forth in paragraph 46 above, failing to disclose that they provided the Freeman Copyrighted Material to Wolff and possibly others for the purpose of committing copyright infringement and providing the Freeman Copyrighted Material to Wolff and possibly others for the purpose of committing copyright infringement.

56. Freeman's above-described cause of action for breach of fiduciary duty did not accrue until within two years of the filing of this Complaint. Furthermore, Freeman discovered the breach of fiduciary duty within two years of the filing of this Complaint and she could not with reasonable diligence have discovered the claim earlier.

57. As a direct and proximate result of Prospect and Kim's conduct as aforesaid, Freeman has suffered compensatory damages in an amount to be determined at trial.

58. Freeman is informed and believes and, on that basis alleges, that the conduct of Prospect and Kim in breaching the fiduciary duty owed to Freeman was intentional, fraudulent, malicious and oppressive. Freeman is therefore entitled to an award of punitive damages from Prospect and Kim in an amount to be determined at trial.

COUNT III
FRAUDULENT CONCEALMENT AGAINST PROSPECT AND KIM

59. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 44, 46 through 52 and 55 through 56 above as if fully set forth herein at length.

60. A fiduciary relationship imposes a duty upon Prospect and Kim to disclose material information and Prospect and Kim failed to do so with the intent to defraud Freeman. Among other things, Prospect and Kim failed to disclose that they provided the Freeman Copyrighted Material to Wolff and possibly others for the purpose of committing copyright infringement.

61. In justifiable reliance on the failure to disclose, Freeman was induced to and did enter into the Agency Agreement and allow Prospect and Kim to shop her manuscript to book publishers. Had Freeman been aware of the true facts, or had Prospect and Kim disclosed the true facts, she would not have entered into the Agency Agreement or allowed Prospect and Kim to shop her manuscript to book publishers.

62. Freeman discovered the above-described fraudulent concealment within two years of the filing of this Complaint. Freeman could not with reasonable diligence have discovered the fraudulent concealment earlier.

63. As a direct and proximate result of Prospect and Kim's conduct as aforesaid, Freeman has suffered compensatory damages in an amount to be determined at trial.

64. Freeman is informed and believes and, on that basis alleges, that the conduct of Prospect and Kim in fraudulently concealing material facts from Freeman was intentional, fraudulent, malicious and oppressive. Freeman is therefore entitled to an award of punitive damages from Prospect and Kim in an amount to be determined at trial.

COUNT IV
BREACH OF CONTRACT AGAINST PROSPECT AND KIM

65. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 44, 46 through 52, 55 through 56 and 60 through 62 above as if fully set forth herein at length.

66. In addition to the terms set forth in paragraph 22 above, the Agency Agreement contains, among others, the following terms, covenants and conditions:

(a) That the parties to the agreement shall carry out their terms in good faith and by dealing fairly with each other; and

(b) That none of the parties thereto shall act in such manner as to destroy the other's expected fruits of the Agreement.

67. Plaintiff has satisfactorily performed all of her obligations to said Defendants under the Agency Agreement.

68. Prospect and Kim have materially breached the implied and express terms of the Agency Agreement by, among other breaches, providing the Freeman Copyrighted Material to Wolff and possibly others for the purpose of committing copyright infringement.

69. Freeman did not discover the above material breach of the Agency Agreement until 2021. Freeman was prevented from discovering the material breach due to the intentional misconduct of Prospect and Kim, including, but not limited to, Kim misrepresenting to Freeman that she would only show the Freeman Copyright Material to publishers for the purpose of publishing Freeman's book and to Prospect's readers to critique the book and by intentionally waiting years to have the book published.

70. As a direct and proximate result of said Defendant's breaches of the Agreement, Plaintiffs have been damaged in an amount to be determined at trial.

COUNT V
**COPYRIGHT INFRINGEMENT AGAINST WOLFF, KIM, PROSPECT, ENTANGLED,
MACMILLAN AND CRAZY MAPLE STUDIO**

71. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 44, 46 through 52, 55 through 56, 60 through 62 and 66 through 69 above as if fully set forth herein at length.

72. Freeman, complying in all respects with the Copyright Laws of the United States, as proprietor thereof secured the exclusive rights and privileges in and to the copyright in the Freeman Copyrighted Material.

73. Freeman deposited and registered the Freeman Copyrighted Material with the United States Copyright Office on or about September 12, 2021, and received from the Register of Copyrights Certificates of Registration dated September 12, 2021, and numbered TXu002276330; TXu002282260; TXu002276335 and TXu002276337.

74. The Freeman Copyrighted Material contains a large amount of wholly original material and constitutes copyrightable subject matter under the laws of the United States.

75. Since the date of inception of the copyrights, Freeman has been, and continues to be, proprietor of the right, title and interest in and to the copyrights in the Freeman Copyrighted Material.

76. Upon information and belief, Defendants Wolff, Kim, Prospect, Entangled and Macmillan are manufacturing, distributing and selling the books entitled *Crave*, *Crush*, *Covet*, and *Court* in various formats, each of which are substantially similar to the Freeman Copyrighted Material. By doing the foregoing, they are knowingly and willfully infringing Freeman's copyrights in the Freeman Copyrighted Material. Wolff, and possibly others, have also entered into a contract with Universal to make a motion picture based on the book *Crave*. Furthermore, Wolff, and possibly others, licensed Crazy Maple Studio the right to produce a video game based on *Crave* (the "Crave Video Game"). Crazy Maple Studio is manufacturing, distributing and selling the Crave Video Game, which is substantially similar to the Freeman Copyrighted Material. By doing the foregoing, Crazy Maple Studio is knowingly and willfully infringing Freeman's copyrights in the Freeman Copyrighted Material.

77. Freeman has not granted to any of said Defendants any right or license to use all or any part of the Freeman Copyrighted Material.

78. Freeman has notified Defendants Wolff, Kim, Prospect, Entangled and Macmillan that they have been and are infringing the copyrights in and to the Freeman Copyrighted Material and, upon information and belief, said Defendants and Crazy Maple Studio have full knowledge that their acts are wrongful and unlawful and have continued to infringe said copyrights and intend to continue to infringe said copyrights throughout the United States and the rest of the world.

79. As a direct and proximate result of said Defendants' copyright infringement, Freeman has suffered and will continue to suffer severe injuries and damage, some of which cannot be reasonably and adequately measured or compensated in damages.

80. By reason of the foregoing, Freeman is further entitled to damages she has sustained and will sustain in the future, and any profits of said Defendants as a result of the infringements, in an amount to be ascertained at trial.

COUNT VI
**CONTRIBUTORY COPYRIGHT INFRINGEMENT AGAINST WOLFF, KIM,
PROSPECT, ENTANGLED, MACMILLAN AND CRAZY MAPLE STUDIO**

81. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 44, 46 through 52, 55 through 56, 60 through 62, 66 through 69 and 72 through 78 above as if fully set forth herein at length.

82. Upon information and belief, said Defendants, and each of them, if not directly or vicariously liable for infringement of Freeman's copyrights in the Freeman Copyrighted Material, are liable for contributory infringement.

83. Upon information and belief, said Defendants induced, caused, or materially contributed to the copyright infringement by others, including, but not limited to, the infringing conduct of the other Defendants, of the Freeman Copyrighted Material as alleged herein.

84. Upon information and belief, said Defendants knew or had reason to know that the conduct of such other parties infringed Freeman's copyrights.

85. As a direct and proximate result of said Defendants' contributory copyright infringement, Freeman has suffered and will continue to suffer severe injuries and damage, some of which cannot be reasonably and adequately measured or compensated in damages.

By reason of the foregoing, Freeman is further entitled to damages she has sustained and will sustain in the future, and any profits of said Defendants as a result of the infringements, in an amount to be ascertained at trial.

COUNT VII
**VICARIOUS COPYRIGHT INFRINGEMENT AGAINST WOLFF, KIM, PROSPECT,
ENTANGLED, MACMILLAN AND CRAZY MAPLE STUDIO**

86. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 44, 46 through 52, 55 through 56, 60 through 62, 66 through 69, 72 through 78 and 82 through 84 above as if fully set forth herein at length.

87. Upon information and belief, said Defendants, and each of them, if not directly or contributorily liable for infringement of Freeman's copyrights in the Freeman Copyrighted Material, they are vicariously liable for said infringements.

88. Upon information and belief, said Defendants had the right and ability to supervise the infringing conduct of others, including, but not limited to, the infringing conduct of the other Defendants.

89. Upon information and belief, said Defendants possessed a direct financial interest in the infringing conduct of such parties.

90. As a direct and proximate result of said Defendants' vicarious copyright infringement, Freeman has suffered and will continue to suffer severe injuries and damage, some of which cannot be reasonably and adequately measured or compensated in damages.

91. By reason of the foregoing, Freeman is further entitled to damages she has sustained and will sustain in the future, and any profits of Defendants as a result of the infringements, in an amount to be ascertained at trial.

COUNT VIII
DECLARATORY RELIEF AGAINST UNIVERSAL, WOLFF AND ENTANGLED

92. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 44, 46 through 52, 55 through 56, 60 through 62, 66 through 69, 72 through 78, 82 through 84 and 88 through 90 above as if fully set forth herein at length.

93. Upon information and belief, Universal, a motion picture studio, has entered into a contract to produce a motion picture based on the first book in the series entitled *Crave*.

94. An actual controversy has arisen and now exists between Freeman, on the one hand, and Universal, Wolff and Entangled, on the other hand, regarding Universal's right to produce a motion picture based on the book *Crave*. Freeman contends that Universal cannot produce a motion picture based on the book *Crave*.

95. Universal, Wolff and Entangled dispute Freeman's contention, and instead contend that Universal can produce a motion picture based on *Crave*.

96. Freeman desires a judicial determination of the respective rights and duties of the parties and that Universal is not entitled to produce a motion picture based on *Crave*.

97. A judicial determination of the parties' rights and duties under the Agreement is necessary and appropriate in order to put to rest their respective rights with respect to the making of a motion picture based on the book *Crave*.

JURY DEMAND

Pursuant to Fed. R. Civ. P. Rule 38(b), Plaintiffs demand a trial by jury on all issues properly triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment as follows:

1. With respect to the First Claim for Relief against Prospect and Kim:
 - (a) That Freeman be awarded compensatory damages in an amount to be proven at trial; and
 - (b) That Freeman be awarded punitive damages in an amount to be awarded at trial.
2. With respect to the Second Claim for Relief against Prospect and Kim:
 - (a) That Freeman be awarded compensatory damages in an amount to be proven at trial; and
 - (b) That Freeman be awarded punitive damages in an amount to be awarded at trial.
3. With respect to the Third Claim for Relief against Prospect and Kim:
 - (a) That Freeman be awarded compensatory damages in an amount to proven at trial; and

(b) That Freeman be awarded punitive damages in an amount to be proven at trial.

4. With respect to the Fourth Claim for Relief against Prospect and Kim that Freeman be awarded compensatory damages in an amount to be proven at trial.

5. With respect to the Fifth Claim for Relief against Defendants Wolff, Kim, Prospect, Entangled, Macmillan and Crazy Maple Studio:

(a) For an accounting and payment to Freeman of all gains, profits and advantages said Defendants derived from their copyright infringement of the Freeman Copyrighted Material;

(b) For such compensatory damages as Freeman has sustained as a consequence of said Defendants' infringement of the Freeman Copyrighted Material, in an amount to be proven at trial;

(c) That said Defendants, their officers, directors, employees, agents, servants and all persons, firms, corporations and associations in active concert or participation with them, be enjoined during the pendency of this action and permanently from selling, marketing, advertising, manufacturing or in any way exploiting the books entitled *Crave*, *Crush*, *Covet*, or *Court* or the Crave Video Game; and

(d) For reasonable attorney's fees with respect to all of Freeman's legal fees incurred in connection with her infringement claim with respect to the book entitled *Court* and the Crave Video Game;

6. With respect to the Sixth Claim for Relief against Defendants Wolff, Kim, Prospect, Entangled, Macmillan and Crazy Maple Studio:

(a) For an accounting and payment to Freeman of all gains, profits and advantages said Defendants derived from their copyright infringement of the Freeman Copyrighted Material;

(b) For such compensatory damages as Freeman has sustained as a consequence of said Defendants' infringement of the Freeman Copyrighted Material, in an amount to be proven at trial;

(c) That said Defendants, their officers, directors, employees, agents, servants and all persons, firms, corporations and associations in active concert or participation with them, be enjoined during the pendency of this action and permanently from selling, marketing, advertising, manufacturing or in any way exploiting the books entitled *Crave*, *Crush*, *Covet*, or *Court* and the Crave Video Game; and

(d) For reasonable attorney's fees with respect to all of Freeman's legal fees incurred in connection with her infringement claim with respect to the book entitled *Court* and the Crave Video Game.

7. With respect to the Seventh Claim for Relief against Defendants Wolff, Kim, Prospect, Entangled, Macmillan and Crazy Maple Studio:

(a) For an accounting and payment to Freeman of all gains, profits and advantages said Defendants derived from their copyright infringement of the Freeman Copyrighted Material;

(b) For such compensatory damages as Freeman has sustained as a consequence of said Defendants' infringement of the Freeman Copyrighted Material, in an amount to be proven at trial;

(c) That said Defendants, their officers, directors, employees, agents, servants and all persons, firms, corporations and associations in active concert or participation with them, be enjoined during the pendency of this action and permanently from selling, marketing, advertising, manufacturing or in any way exploiting the books entitled *Crave*, *Crush*, *Covet or Court* and the Crave Video Game; and

(d) For reasonable attorney's fees with respect to all of Freeman's legal fees incurred in connection with her infringement claim with respect to the book entitled *Court* and the Crave Video Game.

8. With respect to the Eighth Claim for Relief Against Defendants Universal, Wolff and Entangled a judicial declaration that Universal is not be entitled to produce a motion picture based on the book entitled *Crave*:

9. With respect to all Claims for Relief:

(a) An award to Plaintiffs of the costs and disbursements, incurred in prosecuting this action;

(b) For interest thereon; and

(c) For such other and further relief as the Court deems just and proper.

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Dated: May 23, 2022

CS Reeder, PC
Attorneys for Plaintiff

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